



AGENDA

City Council Meeting

6:00 PM - Tuesday, June 6, 2023

CITY HALL 18415 101st AVE NE BOTHELL, WA 98011

MEMBERS OF THE CITY COUNCIL

Mayor Mason Thompson

Deputy Mayor Rami Al-Kabra

Councilmember Jenne Alderks

Councilmember Ben Mahnkey

Councilmember Jeanne Zornes

Councilmember James McNeal

Councilmember Amanda Dodd

To join the meeting, use the following:

- Attend in-person (Council Chambers)
- Watch the main portion live via Zoom, the [City of Bothell YouTube Channel](#) or BCTV Cable Access Channels 21/26
- Zoom: click this link: <https://us02web.zoom.us/j/83803226898> (or copy the URL and paste into a web browser)
- Call-in and listen to the live meeting 253-215-8782 and enter 838 0322 6898#

Comments will be accommodated both in-person and through Zoom during the Visitor Comment portion of the meeting (Item 5), by submitting a form [HERE](#). Forms must be submitted no later than 3:00 p.m. the day of the meeting.

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Call to Order, Pledge of Allegiance & Roll Call

1. Meeting Agenda Approval

During this item, the City Council may identify agenda items to be continued, withdrawn, or added.

2. Presentations, Reports and Briefings

2.a. Public Engagement Opportunities

2.b. Proclamations

- | | | |
|-------|--|---|
| 2.b.1 | <u>LGBTQIA+ Pride Month - Kat Antes-Tadros to accept on behalf of Eastside Pride Pride Month Proclamation 2023</u> | 6 |
| 2.b.2 | <u>Orca Action Month - Megan Cosand to accept on behalf of Whale Scout Orca Action Month Proclamation 2023</u> | 7 |

3. Visitor Comment

During this item, the Mayor will invite visitor comment. Those testifying or providing visitor comment will be limited to three (3) minutes. Virtual attendees will be muted and not audible to the Council except during times they are designated to speak. Submit your request to speak or provide written comment [HERE](#). Forms must be submitted no later than 3:00 p.m. the day of the meeting.

3.a. Special Presentations

- 3.a.1 [Post Legislative Session Update - Shelly Helder](#) 8 - 38
[State Leg Update Staff Briefing Memo](#)
[Att-1 City of Bothell EOS Report](#)
[Att-2 Legislative Agenda and Policy Manual](#)

4. City Manager Report

5. Council Committee Reports

6. Projected Agenda Discussion

During this item, the City Council may identify future agenda items.

7. Consent Agenda

All items under this section will be passed with a single motion and vote. These items are of a routine nature. Prior to approval, City Council may request items be withdrawn from the consent agenda for separate discussion. Approval of the consent agenda authorizes the City Manager to implement each item in accordance with the staff recommendation.

- a. [Approval of Minutes from May 16, 2023](#) 39 - 43
[City Council - May 16 2023 - Minutes - Pdf](#)

- b. [Approval of April 2023 Payroll and Benefit Transactions](#) 44 - 45
[AB # 23-078 April 2023 Payroll Vouchers](#)

Recommended Action: Approve payroll and benefit transactions for April 2023.

- c. [Approval of a Public Works Trust Fund Loan for the 35th Ave SE Drainage Improvement Project](#) 46 - 72
[AB # 23-079 Trust Fund Loan](#)
[Att-1 Vicinty Map](#)
[Att-2 PWTF Construction Loan Agreement](#)
[Att-3 Capital Facilities Plan for SW23](#)

Recommended Action: Authorize City Manager to enter into a Construction Loan Contract, with the Washington State Public Works Board, to fund the design, acquisitions, and construction of the 35th Ave SE Drainage Improvement Project in the amount of \$1,900,000.00.

- d. Approval of Supplemental No. 4 Professional Services Agreement with Tetra Tech for the 35th Ave SE Drainage Improvement Project 73 - 88
[AB # 23-080 Supplemental No. 4 PSA Tetra Tech](#)
[Att-1 Vicinity Map](#)
[Att-2 Supplemental No. 4 Professional Services Agreement](#)
[Att-3 Adopted 2023-2029 CFP](#)

Recommended Action: Authorize the City Manager to enter into a Supplemental Professional Services Agreement No. 4 with Tetra Tech, Inc. for the 35th Ave SE Drainage Improvement Project in the amount of \$110,899.

- e. Consider Approval of Proposed Ordinance Amending the City's 2023-2024 Biennial Budget to Increase ARPA Expenditures 89 - 95
[AB # 23-081 ARPA Budget Amendment](#)
[Att-1 Proposed Ordinance](#)

Recommended Action: Adopt the proposed ordinance amending the 2023-2024 biennial budget.

8. Public Hearings

- a. Canyon Park Transfer of Development Rights Program 96 - 136
[AB # 23-082 Transfer of Development Rights](#)
[Att-1 PC Findings](#)
[Att-2 Public Comments](#)
[Att-3 SEPA Documents](#)
[Att-4 TDR Ordinance](#)

Recommended Action: Staff recommends City Council hold a public hearing and take public comments. Post the public hearing, staff seeks direction to return to Council on June 13 for action.

- b. Review Planning Commission Findings and Recommendations on Proposed Outdoor Dining Regulations. 137 - 167
[AB # 23-083 Outdoor Dining Regulations](#)
[Att-1 Outdoor Dining Proposed Code Amendments](#)
[Att-2 Outdoor Dining Proposed Adopting Ordinance](#)
[Att-3 Planning Commission Findings Outdoor Dining](#)
[Att-4 Public Comment Harkonen](#)

Recommended Action: Staff request that Council hold a public hearing on the proposed changes to the Bothell Municipal Code and associated ordinance as drafted by city staff and city legal counsel regarding Outdoor Dining Regulations. After the public hearing, staff seeks feedback to bring final action for Council consideration at a future meeting.

9. Contracts & Agreements

- a. Approval of Professional Services Agreement with Parametrix for the Design of the Canyon Ridge Estates Pond Retrofit 168 - 204
[AB # 23-084 Professional Services for Canyon Ridge Estates Pond Retrofit](#)
[Att-1 Vicinity Map](#)
[Att-2 Professional Services Agreement with Parametrix](#)

Recommended Action: Authorize the City Manager to enter into the contract with Parametrix for the design of the Canyon Ridge Estates Pond Retrofit in the amount of \$200,215.07.

10. Study Sessions

- a. Valhalla Utility Project Budget Amendment 205 - 218
[AB # 23-085 Valhalla Utility Improvement Project](#)
[Att-1 Vicinity Map](#)
[Att-2 CFP Sheets](#)
[Att-3 Budget Amendment Ordinance](#)

Recommended Action: No formal action is being requested at this time. Staff seeks feedback on fully funding the project and amending the 2023 budget to increase Storm and Surface Water Utility expense by \$20,000, increase Water Utility expense by \$1,214,000; and reduce Sewer Utility revenue by \$815,000 in PWTF Loan funds, and increase Water Utility revenue by \$815,000 in PWTF Loan funds. At a later date, Council will be asked to authorize an ordinance to amend the Project budget as described above and approve construction contract award.

- b. Review of 2024-2029 Six-year Transportation Improvement Plan 219 - 243
[AB # 23-086 - 2024-2029 Six Year Transportation Improvement Program](#)
[Att-1 2024 – 2029 Six Year Transportation Improvement Program](#)
[Att-2 Transportation Needs List](#)

Recommended Action: Staff is seeking feedback on the 2024-2029 Six-Year Transportation Improvement Program in advance of a public hearing.

- c. Fire Regionalization Workplan Update 244 - 247
[AB # 23-087 Fire Service Workplan](#)

Recommended Action: City Council is asked to provide feedback and direction to move forward with a work plan to evaluate and recommend a service model for Fire Service including an option for regionalization.

11. Council Conversations

During this item, Council members have the opportunity to informally discuss topics of city interest.

12. Executive Session/ Closed Session

Closed Session - Labor Negotiations pursuant to RCW 42.30.140(4); no action expected.

13. Adjourn

Certificate:

I hereby certify that the above agenda was posted on Jun 01 2023 01:44:40 PM, on the official website and bulletin board at Bothell City Hall, 18415 101st Avenue NE, Bothell, WA, 98011, in accordance with RCW 42.30.077, at least 24 hours in advance of the published start time of the meeting.

Laura Hathaway, City Clerk

Special Accommodations:

The City of Bothell strives to provide accessible meetings for people with disabilities. If special accommodations are required, please contact the ADA Coordinator at (425) 806-6200 at least one day prior to the meeting.

Watch Meetings:

Bothell City Council meetings are aired live on Bothell Community Television (BCTV) Channel 21/26 (Comcast/Verizon) (available to Comcast and Verizon Cable customers within Bothell City limits). Meetings are generally replayed according to the following schedule (subject to change): Wednesday following the meeting at 10 a.m.; Friday, Saturday and Sunday following the meeting at 10 a.m. and 7 p.m. City Council and Planning Commission meetings and the BCTV schedule are viewable online at www.bothellwa.gov



PROCLAMATION

Pride Month

WHEREAS, The City of Bothell recognizes the month of June 2023 as Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, and Asexual (LGBTQIA+) “Pride Month” and observes Pride Month with a Progress Pride flag raising ceremony to honor the history of the LGBTQIA+ liberation movement and to support every person’s right to experience equality and freedom from discrimination; and

WHEREAS, the Progress Pride flag is widely recognized as a symbol of pride, inclusion, and support for social movements that advocate for LGBTQIA+ people in society, and the City of Bothell is committed to supporting visibility, dignity and equality for LGBTQIA+ people in our diverse community and their immeasurable impact on cultural, civic, and economic successes; and

WHEREAS, the LGBTQIA+ community continues to be a target of violence, harassment, and discrimination and yet continue to thrive through the efforts of the community itself and through the support of LGBTQIA+ affirming spaces, agencies, and individual allies; and

WHEREAS, while society at large increasingly supports LGBTQIA+ equality, it is essential to acknowledge that the need for education and awareness remains vital to end discrimination and prejudice; and

WHEREAS, celebrating Pride Month influences awareness and provides support and advocacy for the LGBTQIA+ community, and is an opportunity to act and engage in dialogue to strengthen alliances, build acceptance, and advance equal rights.

NOW, THEREFORE, I, Mason Thompson, Mayor of the City of Bothell, do hereby proclaim the month of June 2023 as “Pride Month” in support of the LGBTQIA+ community.

BE IT RESOLVED that the Progress Pride flag was raised on May 31st at City Hall to recognize all LGBTQIA+ residents whose influential and lasting contributions to our neighborhoods make the City of Bothell a vibrant community in which to live, work and visit.

Signed this 6th day of June, 2023.

Mason Thompson, Mayor



PROCLAMATION

Orca Action Month

WHEREAS, the Southern Resident orcas were listed as endangered in November 2005 under the Endangered Species Act; and

WHEREAS, the major factors in the decline of the Southern Resident orca population include declining salmon runs, toxic pollution, loss of habitat, and increasing vessel traffic noise levels in Puget Sound and the ocean; and

WHEREAS, during the month of June, the Orca Network, the Orca Salmon Alliance, and other organizations working on these issues will join together in a month-long focused effort to educate the public and take action to improve conditions for the survival of the Southern Resident orcas; and

WHEREAS, bringing attention to the orcas will also bring attention to the need to clean up Puget Sound watersheds and to restore and conserve important habitats for Chinook salmon including the Sammamish River and local Bothell streams; and

WHEREAS, the City Council's 2040 vision includes Environmental Stewardship highlighting verdant habitats, cool streams, thriving salmon, and our community's mental and physical health because we value and protect our abundant ecological resources.

NOW, THEREFORE, I, Mason Thompson, Mayor of the City of Bothell, do hereby proclaim the month of June 2023 as "Orca Action Month", and call upon all residents to focus attention on the plight of the fragile Southern Resident community of orcas and take action restoring rivers and streams which support salmon as a critical food source for whales and clean water for us all.

Signed this 6th day of June, 2023.

Mason Thompson, Mayor

STAFF BRIEFING

Date: June 6, 2023
To: City Council
From: Kyle Stannert, City Manager
Subject: 2023 State Legislative End of Session Update



Purpose

Tonight, Shelly Helder, City of Bothell's lobbyist with Gordon Thomas Honeywell, will be here to recap the 2023 State Legislative session. The initial session ran from January 9 to April 23. See Attachment 1 for the end of session report that summarizes the state budgets, outcomes of the city's legislative priorities and other bills that passed the legislature that overlap with statements in the city's policy manual.

In addition, the legislature reconvened for one day on May 16 to address possession of controlled substances. At that time, the legislature did pass a striking amendment to SB5536 which makes knowing possession of counterfeit or controlled substances and knowing use in a public place gross misdemeanors. Shelly will recap the May 16 action as well.

Attachments:

Att 1: End of Session Report
Att 2: Council 2023-2024 Legislative Agenda and Policy Manual



City of Bothell

End-of-Session Report

May 26, 2023

Overview of the 2023 Legislative Session

The 2023 Legislature convened for a 105-day session that was conducted in person for the first time since the onset of the COVID-19 pandemic. This year's session was the first of the two-year legislative cycle, and legislators were keen to resume their policymaking work at the Capitol campus. Over 2,100 pieces of legislation were introduced this session, and the Legislature approved 485 bills.

The Legislature also enacted the Capital, Operating, and Transportation budgets for the 2023-25 biennium.

On the final evening of the legislative session, the House of Representatives debated a compromise version of [Senate Bill 5536](#) sponsored by Senator June Robinson (D- Everett), concerning possession of controlled substances. The bill did not pass, and Washington's current law on drug possession will expire at the end of June. Governor Inslee called for a special session of the Legislature to give lawmakers another opportunity to set forth a statewide policy before the current statute expires. Legislators from all four caucuses negotiated a compromise bill that was debated on May 16th and ultimately passed the Legislature with bipartisan support. See below for more details on this policy.

The Association of Washington Cities has provided a summary of legislative action related to the AWC priorities, available on the [AWC website](#).

Budget Highlights

2023-25 Biennial Operating Budget: The state's Operating budget funds all state agency operations, including K-12 education, higher education, human service programs, and more. The 2023-25 biennial Operating budget appropriates \$69.8 billion, a net increase of \$2.4 billion. Approximately \$412 million in Climate Commitment Act revenues are budgeted for policy-level items in the budget. An ending fund balance of \$1.4 billion in general funds is projected for the 2023-25 biennium, and total reserves are projected at \$3.6 billion.

The Legislature considered the changing fiscal environment in developing the biennial Operating budget. Federal funding streams that were temporarily enhanced due to the COVID-19 pandemic

are beginning to phase out as the declaration of federal public health emergency expired on May 11th. Inflation and forecasts indicating slower than average revenue growth over the next two biennia also factored into the budget considerations.

The Operating budget makes significant investment in the K-12 education system, higher education, behavioral health, health care, long-term care, child welfare, carbon reduction, public safety, and housing and homelessness supports. Highlights of investments related to local governments include:

Public safety:

- \$3.4 million for six additional Basic Law Enforcement Training Academy (BLEA) classes, for a total of 23 classes in both 2024 and 2025
- \$11.3 million for six additional BLEA classes beginning in 2024 at three new regional training academies (Pasco, Skagit County, and Clark County)
- \$3 million for grants to local law enforcement for vehicle pursuit management technology
- \$5.3 million for cities and counties to assist with alternative response team programs
- \$115.8 million to assist with vacating and resentencing under the *State v. Blake* decision and refunding legal financial obligations
- \$29.6 million for therapeutic courts

Behavioral health:

- \$108.7 million for forensic mental health and continued implementation of the *Trueblood* settlement
- \$21.5 million for crisis triage, relief, or stabilization centers
- \$44 million for the recovery navigator program
- \$44.4 million for behavioral health mobile crisis response teams
- \$69.3 million for 988 crisis response

Housing and homelessness:

- \$150 million for the new Covenant Homeownership Program (House Bill 1474)
- \$150 million to transition individuals living in encampments to housing
- \$130 million for the Housing and Essential Needs program
- \$111 million for emergency housing and rental assistance

Climate and Energy

- \$138 million for community electric vehicle charging infrastructure
- \$10 million to support municipalities in siting and permitting clean energy projects
- \$6 million to increase capacity for urban forestry programs
- \$35 million for utility assistance through the existing low-income home energy assistance program (LIHEAP) network

2023-25 Biennial Capital Budget: The Capital budget funds brick-and-mortar construction, excluding transportation. The 2023-25 biennial Capital Budget authorizes total expenditures of \$9 billion. Of this amount, \$4.7 billion is financed with general obligation bonds. Additionally,

\$95.4 million in bond capacity is reserved for a supplemental capital budget. The Capital budget reappropriates \$7.6 billion for projects that were previously authorized but not yet completed.

Housing, behavioral health, and infrastructure are key areas of investment in the enacted Capital budget.

Housing

- \$400 million for the Housing Trust Fund
- \$60 million for Connecting Homes to Infrastructure program (CHIP) grants to local governments
- \$50 million to match private investment for grants to support transit-oriented development

Behavioral health

- \$211 million for behavioral health capacity grants, including \$133 million for 18 projects across the state that will provide regional behavioral health and substance use services.

Infrastructure and built environment

- \$400 million for the Public Works Assistance Account
- \$68 million for the Stormwater Financial Assistance program
- \$115 million for Remedial Action Grants
- \$670 million for the Water Pollution Control Revolving Loan program
- \$25 million for the Community Economic Revitalization Board
- \$200 million for broadband grants and loans
- \$95 million for Salmon Recovery Funding Board grants and \$25 million for riparian area grants
- \$120 million for the Washington Wildlife and Recreation program
- \$48.4 million for the Fish Barrier Removal Board
- \$150 million for various clean energy and energy efficiency efforts

2023-25 Biennial Transportation Budget: The Transportation budget funds capital facilities investments as well as operating programs for the transportation system in the state. The budget includes total appropriations of approximately \$13.5 billion, including approximately \$970 million in Climate Commitment Act (CCA) funding. CCA funds are appropriated to support carbon-reducing projects and programs, such as multi-modal facilities, public transit, and transportation electrification efforts.

Highlights of importance for local governments include:

- \$1 billion for fish passage
- \$287 million for the Transportation Improvement Board, including \$14.6 million for Complete Streets grants and \$9 million in preservation funding for cities
- \$70.8 million for Safe Routes to Schools grants
- \$72.2 million for Pedestrian and Bicycle Safety programs
- \$45.7 million for the Freight Mobility Strategic Investment Board
- \$11.5 million to address homeless encampments within state-owned rights-of-way in coordination with local governments

The 2023-25 Transportation budget also modified the phasing for many projects included in the 16-year Move Ahead Washington transportation package passed by the Legislature in 2022. The updated project list can be viewed [here](#).

For additional detail on aspects of the three biennial budgets relevant to local governments, refer to the Association of Washington Cities [budget matrix](#).

Legislative Agenda Items

Crisis Receiving Center in North King County

The Cities of Bothell, Kenmore, Kirkland, Lake Forest Park, and Shoreline formed the Regional Crisis Response Agency (RCR) to provide consolidated and standardized regional mobile crisis response services for the five-city region. A key component in the continuum of behavioral health care is *somewhere to go*, a crisis stabilization facility. The cities have been coordinating for several years to provide a facility for the region and over the last year have been advocating at the state level for the necessary funding. Leading up to and throughout the legislative session, GTH participated in routine coordinating meetings with the government affairs team at Connections Health Solutions and the contract lobbyist for the other cities. To our great surprise and delight, the facility received full funding via state grants and other sources just prior to the legislative session. This meant that the session was focused on policies that would support the prompt delivery of the project. The main policy we supported was [Senate Bill 5120](#), sponsored by Senator Manka Dhingra (D- Redmond), which creates a licensing pathway for 23-hour crisis relief centers. Prior to passage of this bill, there was no licensing process for the type of facility envisioned in North King County. These facilities are open 24 hours per day, seven days a week, offering behavioral health to adults for no more than 23 hours and 59 minutes at a time. The centers will accept walk-ins and drop-offs from first responders and individuals referred through the 988 system and have a no-refusal policy for individuals dropped off by law enforcement.

Housing

Enacting policies and budgets that meaningfully address the housing shortage was a top priority for the Legislature this session. Policy makers were guided by a report by the Department of Commerce stating that Washington State needs about one million additional homes by 2044 to adequately accommodate projected population growth. Of those one million homes, approximately 525,000 of those units need to be either affordable to households at or below 50 percent of area median income or affordable to extremely low-income households. Legislators cited these data points in committee hearings throughout the legislative process to underscore the urgent need for housing policy solutions.

In addition to the budget investments in housing and homelessness supports outlined above, the Legislature also included the following housing-related items in the Operating budget:

- \$18 million to help address the Document Recording Fee revenue shortfall for local governments to implement homeless services
- \$45.6 million to increase homeless service grantee contracts
- \$5 million for eviction prevention, including tenants' right to counsel
- \$4 million in one-time funding for the Homeless Prevention and Diversion Fund

- \$2 million for the Homeless Student Stability program
- \$1 million for the Washington Youth and Families Fund
- \$5 million for civil legal information, advice, and representation for tenants at risk of eviction

The Legislature considered several policy approaches aimed at bringing more housing to market, tenant protections and other policies aimed at keeping individuals housed and boosting homeownership. Additionally, Governor Inslee introduced a proposal to issue bonds to generate \$4 billion for affordable housing and other types of housing to address homelessness over a six-year period. The concept was given serious consideration by the Legislature but would have required voter approval. Instead, legislators chose to increase its support for housing through budget appropriations and passed several policy bills to respond to the housing shortage. See the Policy Manual sections below on Affordable Housing and Land Use/Housing for more details.

Bothell Way Multimodal Project

Last year the Legislature passed the Move Ahead WA (MAW) package which provided \$7 million toward the Bothell Way Multimodal Project. MAW is a 16 year package, meaning some projects identified in the package will not receive funding for many more years. For this reason, our focus for this legislative session was a request for the legislature to allocate the \$7 million in a way that allows the city to use the funds most efficiently. Specifically, we requested \$3.36M in 2023-25 and \$3.64M in 2025-27. The final transportation budget allocates \$2 million in 2023-25 biennium and \$5 million in 2025-27. While this is not the exact allocation we requested, it does provide the total funding within the four-year outlook. Many other projects funded in the MAW package were not allocated funding within the next six years. According to city staff, this split of funds is workable for the project delivery.

Transportation Demand Management at Canyon Park

The 2022 state operating budget allocated \$250,000 to the City of Bothell toward development of a transportation demand management plan at Canyon Park. Unfortunately, the funds were limited to the fiscal year they were allocated, which made it impossible to expend them completely. This year we requested the state reappropriate the unused portion of the original funding. While this may seem like a straightforward request, any operating budget request, new or reappropriation requires a legislative sponsor and budget writers' review. Senator Stanford and Rep. Duerr sponsored this request and ensured the funds were included in their respective chambers proposed operating budget. Due to their support, the final operating budget includes a reappropriation of \$235,250 for the transportation demand management program development at Canyon Park.

Additionally, the transportation budget provides \$333,000 in 2023-25 and \$267,000 in 2025-27 for TDM at Canyon Park via the WSDOT Regional Mobility Grant program. These are funds that can now be awarded to the City since it was selected through a competitive grant process and the Legislature funded the program.

Downtown Revitalization

The City has utilized the Department of Ecology's Remedial Action Grant program to support the cleanup of several sites in downtown Bothell. The City supports ongoing funding for the RAG program and adequate funding for Ecology staff who implement the program. The Capital budget appropriates \$115 million to RAG, roughly \$44 million more than last biennium.

Policy Manual Issues

Affordable Housing, Human Services and Homelessness

Incentives for Accessory Dwelling Units Rented to Low-Income Households: [E2SSB 5045](#) sponsored by Senator Patty Kuderer (D-48th LD), authorizes King County to offer a property tax exemption for accessory dwelling units that are rented to households whose adjusted income is at or below 60 percent of median household income. Rent charged to the tenant must not exceed 30 percent of the tenant's monthly income, and the ADU must not be occupied by a person under the age of 60 who is an immediate family member of the taxpayer.

Surplus public property for affordable housing: [HB 1695](#) sponsored by Representative Emily Alvarado (D- 34th LD) updates the definition of affordable housing for a public benefit purpose in the context of local governments' authority to dispose of surplus public property for public benefit. As outlined in the legislation, affordable housing refers to rental housing, including rent and utilities, whose cost does not exceed 30 percent of the household's monthly income. For permanently affordable homeownership, the total cost of mortgage principal and interest, property taxes, homeowner's insurance, homeowner's association fees, and land lease fees must not exceed 38 percent of the household's monthly income.

Waiving municipal utility connection charges for affordable housing: [SHB 1326](#) sponsored by Representative Julio Cortes (D- 38th LD) authorizes municipal utilities to establish a program to waive connection charges for properties used by a non-profit organization, housing authority, local agency, or other organization that provides emergency shelter, transitional housing, permanent supportive housing, or affordable housing. Any waived connection charges must be funded through general funds, grant dollars, or another identified revenue stream.

Did not pass: Local governments supported [HB 1628](#) sponsored by Representative Frank Chopp (D- 43rd LD), which would have modified the state real estate excise tax (REET) and allow a county or city to impose an additional 0.25 percent REET for the construction of affordable housing, but the bill did not pass this session. A significant opposition effort was undertaken by the real estate community to stop the bill and it did not advance out of its assigned fiscal committee.

Flexibility on affordable housing and mental health funding: [SSB 5604](#) sponsored by Senator June Robinson (D- 38th LD) allows all jurisdictions to use revenue from the affordable and supportive housing sales tax for rental assistance, and allows counties to use chemical dependency and mental health services tax revenue for modifications to existing facilities to address health and safety needs. Local governments may retain up to 10 percent of the affordable and supportive housing tax for administrative costs.

Relocation assistance for tenants of closed manufactured/mobile home parks: [HB 1771](#) sponsored by Representative Brandy Donaghy (D- 44th LD) extends the time period in which tenants have to take necessary actions to receive relocation assistance from within 90 days of receiving the initial cash assistance to until the park closure date. Tenants who reinstall their home within 12 months are also eligible to receive the remainder of eligible assistance.

Sale or lease of manufactured/mobile home communities: [E2SSB 5198](#) sponsored by Senator Noel Frame (D- 36th LD) sets forth notice requirements when a landlord plants to close or convert a manufactured/mobile home community (MHC). It requires landlords to provide two years' notice for closure or conversion of an MHC and written notice of opportunity to compete to purchase when selling or leasing the MHC.

Foreclosure protections: [HB 1349](#) sponsored by Representative Tina Orwall (D- 33rd LD) modifies the timeline for referral to pre-foreclosure mediation to provide that a borrower may be referred to mediation no later than 90 days before the date of sale is listed in the Notice of Trustee Sale, instead of no later than 20 days from the date the Notice is recorded. The bill makes it unlawful to seek or receive financial compensation for locating or purporting to purchase surplus funds held by a court or county resulting from a foreclosure where the fee is in excess of five percent of the value reasonably expected to be recovered.

Tenant protections: Two bills concerning tenant protections were approved. [HB 1074](#) sponsored by Representative My-Linh Thai (D- 41st LD), requires landlords to provide documentation substantiating the cost of any damages withheld from a tenant's deposit. The bill was passed in both chambers on party-line votes. [ESSB 5197](#) sponsored by Senator Patty Kuderer (D- 48th LD) modifies several aspects of the eviction process, including allowing remote participation by any party in forcible and unlawful detainer actions, and allowing tenants who provide a pledge of financial assistance letter to satisfy an unlawful detainer judgment and have their tenancy restored.

Did not pass: Three proposals concerning residential rent practices were considered, but not passed, this session. [HB 1388](#) sponsored by Representative Nicole Macri (D- 43rd LD) would have prohibited landlords from charging excessive rent or higher rent based on the terms of payment or whether the lease was month-to-month or longer term. [HB 1389](#) sponsored by Representative Alex Ramel (D- 40th LD) would have prohibited landlords from increasing rent in an amount greater than the rate of inflation or three percent, up to a maximum of seven percent above the existing rent. [HB 1124](#) sponsored by Representative Strom Peterson (D- 21st LD) would have required landlords to provide at least 180 days' notice for rent increases of more than five percent. The bills were supported by low-income housing advocates, but strongly opposed by landlords.

Creating the covenant homeownership account: [2SHB 1474](#) sponsored by Representative Jamila Taylor (D- 30th LD) establishes and funds the Covenant Homeownership Program to provide down payment and closing cost assistance to economically disadvantaged households. The Covenant Homeownership Program is funded through a \$100 document recording fee collected by county auditors. The Department of Commerce must contract with the Washington State Housing Finance Commission to create a Special Purpose Credit Program to provide down payment and closing cost assistance to economically disadvantaged homebuyers. An oversight committee is established in the bill and the Housing Finance Commission must complete an initial study of the new program by March 2024 and every five years after. The bill passed on party lines in both the House and Senate. Support from the real estate community for the underlying policy despite the imposition of the document recording fee was important for the bill's momentum.

COVID-19 impacts: As noted above, the Legislature has continued to appropriate funding for programs that help households negatively impacted by the COVID-19 pandemic. The final Operating budget provides \$111 million for emergency housing and rental assistance and \$35 million for utility assistance.

Behavioral health and opioid epidemic response: The Capital budget invests in behavioral health facility needs throughout the state. Highlights include:

- \$77.9 million for competitive grants to expand community-based behavioral health services.
- \$133.1 million for community-based projects for behavioral health facilities, such as crisis diversion, secure detox, and adolescent services.
- \$13.4 million for the Rising Strong project, providing family-centered drug treatment and supportive transitional housing for a minimum of 24 households in Western Washington.
- \$613 million for construction of a 350-bed forensic hospital at Western State Hospital.
- \$20.6 million for construction of a 48-bed civil commitment facility in Clark County.
- \$21.1 million to fund the expansion of 136 beds at Maple Lane.
- \$5 million for the Department of Social and Health Services to create community capacity to serve clients in need of behavioral health treatment.

Significant investments in the Operating budget for building capacity in the behavioral health system include:

- *Trueblood* and Forensic Mental Health: \$99.7 million in general funds and \$6.9 million in federal funds. This funding is provided for the Department of Social and Health Services to continue implementation of the *Trueblood* settlement, including forensic navigators, outpatient competency restoration, housing, crisis, diversion, and other community support services.
- Behavioral Health Provider Rate Increases: \$172 million in general funds and \$212 million in federal funds to increase rates paid through the Medicaid Managed Care Organizations and Behavioral Health Administrative Service Organizations by 15 percent.
- Crisis and Residential Treatment Services: \$33.1 million in general funds and \$84 million in other funds to support crisis and residential treatment services, including new crisis stabilization facilities and expanding the 988 behavioral health crisis response system.
- Opioid Response and Substance Use Disorder Services: \$6.8 million in general funds and \$126.6 million in American Rescue Plan Act (ARPA) and opioid settlement funds to respond to the opioid epidemic and expand substance use disorder treatment and pretrial diversion programs.

Behavioral health support specialists: [SSB 5189](#) sponsored by Senator Yasmin Trudeau (D-27th LD) requires the Department of Health to develop rules for certification of behavioral health support specialists by January 1, 2025, and requires the Health Care Authority to ensure that services by this profession are covered under the Medicaid program. It further requires the Office

of the Insurance Commissioner to integrate this new profession type into network access standards.

Certified peer specialists: [2SSB 5555](#) sponsored by Senator Emily Randall (D- 26th LD) establishes certified peer specialists and certified peer specialist trainees as new health professions that may engage in the practice of peer support services for individuals in recovery from a mental health condition or substance use disorder beginning July 1, 2024.

Budget & Fiscal Matters

State-shared revenues: The enacted 2023-25 Operating budget provides for the following state-shared revenues:

- Liquor Revolving Account (liquor profits): \$98.9 million (same as current biennium)
- Liquor Excise Account (liquor taxes): \$89.4 million (increase of \$2.1 million over current biennium)
- Cannabis Excise Tax: \$50.5 million (increase of \$4.9 million over current biennium)
- Municipal Criminal Justice Assistance Account: \$51.2 million (increase of \$6 million over current biennium)

Incentivizing annexation of unincorporated urban growth areas: [2SHB 1425](#) sponsored by Representative April Berg (D- 44th LD) re-authorizes the credit against the state sales tax as an incentive for cities to annex unincorporated areas within their urban growth areas. The prior requirements in state statute that a city be within a county with a population of at least 600,000 and that an annexation area have a population of at least 10,000 are removed through this bill. To impose the tax, a city must have entered into an interlocal agreement with the county. The maximum levy amount that may be imposed is 0.1 percent for annexed areas with populations between 2,000 and 10,000, and 0.2 percent for annexed areas with a population size above 10,000. Cities may not begin to impose the tax after July 1, 2028.

Did not pass: Three proposals were introduced this session that would have lifted the one percent limit factor on property tax for local governments, but none were passed. [SB 5618](#) sponsored by Senator Patty Kuderer (D- 48th LD), revised the property tax cap for local governments to account for inflation and population growth up to three percent. The bill was heard, but not advanced out of committee. [HB 1670](#) sponsored by Representative Timm Ormsby (D-3rd LD), would have revised the property tax cap for local governments from one percent to three percent, but did not contain provisions related to inflation or population growth. The bill did not advance out of the House Rules Committee. [SB 5770](#) sponsored by Senator Jamie Pedersen (D- 43rd LD) was introduced late in the session and took a similar approach to Senate Bill 5618, adjusting the property tax limit to account for inflation and population growth up to three percent. The bill did not receive any action in its referred fiscal committee.

Environment

As outlined above, the Legislature had additional revenues through the Climate Commitment Act to appropriate for carbon-reduction initiatives and projects in the biennial budget. The Department of Ecology held its first quarterly auction of emissions allowances earlier this year. All allowances were sold, and the Department raised about \$300 million at the auction. Projected auction revenues total approximately \$1.7 billion for the 2023-25 biennium. The Operating budget plans expenditures of \$412 million and the Transportation budget appropriates about \$970 million for greenhouse gas emission efforts.

Fish barrier removal: The final Operating budget provides \$48.4 million for the Fish Barrier Removal Board, an increase of \$21.6 million over the current biennium. Additionally, the Transportation budget appropriates \$1 billion for state-owned fish passage barrier correction and retains language to coordinate with the Fish Barrier Removal Board on a watershed approach that includes local culverts.

Remedial Action Grants: The final Capital budget appropriates \$115 million for Remedial Action Grants, \$43.8 million more than the current biennium.

The Legislature also tackled climate change and environmental stewardship through the following policies:

Climate change in comprehensive planning: [E2SHB 1181](#) sponsored by Rep. Davina Duerr (D-1st LD), is Governor-request legislation that amends the Growth Management Act to add a goal of climate change and resiliency to the list of elements required in comprehensive plans. It requires jurisdictions to identify actions to reduce greenhouse gas emissions and vehicle miles traveled. Jurisdictions required to review their comprehensive plans by June 30, 2025, must implement the bill's requirements. The policy for integrating climate change into the Growth Management Act has been introduced in previous legislative sessions but did not make it to the finish line. The bill's provisions were refined over time through stakeholder engagement until it reached its final form. Although the building industry still had reservations about the bill, it was able to build enough support to finally pass this session. The Operating budget provides \$41 million for grants to assist with implementation.

Responsible environmental management of batteries: [E2SSB 5144](#) sponsored by Senator Derek Stanford (D- 1st LD) requires each producer selling or distributing covered batteries in Washington to participate in and fund an approved battery stewardship organization. Each battery stewardship organization must submit a plan for covered portable batteries to the Department of Ecology for approval by July 1, 2026, or within six months of program rules. Battery stewardship programs must provide for the collection of all covered batteries. Local government facilities may collect batteries at their own expense and must process them in a manner that meets the same standards as those implemented by battery stewardship organizations.

General Government

Public Records Act: [HB 1597](#) sponsored by Representative Larry Springer (D- 45th LD) and its companion legislation [SB 5571](#) sponsored by Senator Ann Rivers (R- 18th LD) would have amended the Public Records Act to state that, if a records requester is dissatisfied with an agency's response to their request, the requester could petition the agency for a review within 30 days of the denial or closure of the request. Local governments would have been required to establish an administrative review process to address appeals, and complete reviews within 20 business days. Requesters would have had to exhaust all administrative remedies before seeking judicial review. Neither bill received a hearing in the assigned policy committee.

Land Use and Planning

Condominiums: [SB 5058](#) sponsored by Senator Mike Padden (R- 4th LD), and [E2SSB 5258](#) sponsored by Senator Sharon Shewmake (D- 42nd LD), work in tandem to reduce barriers to condominium and townhouse development, which was viewed as an avenue for increasing homeownership opportunities for first-time homebuyers and seniors seeking to downsize into a more manageable property. Senate Bill 5058 exempts buildings with 12 or fewer units that are no more than two stories from condominium liability. Senate Bill 5258 contains several provisions aimed at boosting construction and homeownership of condominiums and townhomes. It modifies the requirements for claims regarding construction defects and makes the qualified warranty program available to developers subject to the Uniform Common Interest Ownership Act. It exempts certain sales of condominiums and townhomes from the real estate excise tax (REET) and creates the Down Payment Assistance Account for buyers purchasing a condominium or townhome. The REET exemption does not apply to sales of condominiums and townhomes that are constructed in buildings qualifying for the multi-family property tax exemption.

Middle housing types: [E2SHB 1110](#) sponsored by Representative Jessica Bateman (D- 22nd LD) requires cities to authorize minimum housing development densities in residential zones depending on their population size, ranging from a minimum of two to at least six units per lot. The bill provides an alternative to the density requirements by allowing cities to implement the requirements in at least 75 percent of lots zoned single-family if the remaining portion of lots meet certain criteria. Under the alternative density option, any areas at high risk of displacement may be excluded from the 75 percent of lots subject to minimum density requirements. Cities may allow accessory dwelling units to achieve the unit density required and can limit the areas subject to the density requirements in accordance with water supply capacity. Cities may apply objective development regulations currently applied to single-family residences in accordance with existing ordinances intended to protect critical areas and public health.

While the bill had bipartisan backing that carried it to the finish line, local governments took varying and nuanced positions on the legislation. The prime sponsor held stakeholder discussions with the Association of Washington Cities and individual cities which resulted in key changes, including allowing the Department of Commerce to approve comprehensive plans from cities with land use regulations that are substantially similar to the bill's provisions and providing for an alternative compliance pathway. The Association of Washington Cities arrived at a supportive position in the waning weeks of the legislative session.

The Operating budget appropriates \$2 million for grants to implement the bill.

Accessory Dwelling Unit regulations: [EHB 1337](#) sponsored by Representative Mia Gregerson (D- 33rd LD) requires cities and counties planning under the Growth Management Act to allow the construction of at least two accessory dwelling units (ADUs) per lot within urban growth areas. Local governments are prohibited from imposing certain regulations or restrictions on ADU construction, including gross floor area requirements and roof height limits. The bill prohibits owner-occupancy requirements as well as off-street parking requirements within one-half mile walking distance a major transit stop. Local governments may restrict the use of ADUs for short-term rentals and prohibit the construction of ADUs on lots not served by public sewers. Of the two proposals mandating the allowance of ADU construction, local government

stakeholders generally preferred the other bill, [SB 5235](#), because it was less prescriptive, but the Legislature ultimately chose this bill as the vehicle for enacting ADU policy.

Use of existing buildings for residential purposes: [ESHB 1042](#) sponsored by Representative Amy Walen (D- 48th LD) prohibits cities from imposing certain restrictions on existing buildings zoned for commercial or mixed use. Cities must allow the addition of housing units at a density up to 50 percent more than what is allowed in the underlying zone if built entirely within the building's envelope and cannot impose additional parking requirements. Cities may not prohibit the addition of housing units in any specific part of a building except ground floor commercial retail spaces along a major pedestrian corridor. The bill advanced quickly in its house of origin despite concerns raised by local governments regarding provisions contained in the original draft. The Senate amended the bill to address many of the concerns.

SEPA exemption for housing: [2SSB 5412](#) sponsored by Senator Jesse Salomon (D- 32nd LD) expands the infill development categorical exemption from the State Environmental Policy Act (SEPA) to include housing development. All project actions that propose to develop residential housing units within the incorporated portions of urban growth areas or middle housing within the unincorporated areas of urban growth areas are categorically exempt from SEPA. Before adopting the categorical exemptions, jurisdictions must satisfy certain criteria, including that the development is consistent with development regulations under the comprehensive plan and that the city or county has prepared an environmental analysis that considers the proposed use or intensity of use in the area and that analysis has been conducted regarding multi-modal transportation impacts. The Association of Washington Cities was a strong proponent of the legislation as it reflected a policy recommendation of the AWC Housing Solutions Work Group. The Operating budget appropriates \$20 million for grants to assist with updating comprehensive plans, including the requirements contained in this bill.

Consolidating local permit review processes: [2SSB 5290](#) sponsored by Sen. Mark Mullet (D- 5th LD), requested by the Governor's Office, establishes a consolidated permit review program for local governments to issue final decisions for residential permit applications within specified time frames. Local governments are required to exempt project permits for interior alterations from site plan review under certain conditions. The bill requires local governments to refund a proportion of the permit fees if they have not issued a final decision by the established time period. The requirements take effect after January 1, 2025. A grant program is established in the legislation to support local governments' transition from paper to digital permit filing systems. The Operating budget provides \$3 million for grants to assist local governments with implementation of the bill.

Did not pass: Not reaching the finish line this session was [SB 5466](#) sponsored by Senator Marko Liias (D- 21st LD), which would have required cities planning under the Growth Management Act to allow multi-family housing projects within transit station areas to be developed at transit-oriented density maximum floor area ratios. The bill was introduced at the request of the Governor's Office and the Seattle-area business community was the primary proponent. Local governments held mixed perspectives on the bill. Some were supportive of its policy goals while others expressed concern about the floor area ratios and potentially broad application based on the many types and frequencies of public transit service as outlined in the original draft. The

Puget Sound Regional Council created a map illustrating the areas where such development would be allowed according to the availability of transit service as defined in the bill that indicated almost the entire Central Puget Sound region would be subject to its provisions, raising alarm among many stakeholders. The bill was amended late in the process to include an affordability requirement for housing development that did not receive broad support from the construction and real estate industries, which had been supportive of the legislation. A compromise to address stakeholder's diverging perspectives on the bill could not be reached by the time the Legislature adjourned.

Did not pass: Another bill aimed at increasing housing construction, [HB 1245](#) sponsored by Representative Andrew Barkis (R- 2nd LD), also failed to pass this session. The bill would have required cities planning under the Growth Management Act to allow the splitting of a single residential lot into two residential lots. While there was momentum behind this legislation as a viable tool to foster more infill residential development, it was unclear how the policy would interact with the middle housing and accessory dwelling unit bills.

Long-range planning funding: The final Operating budget includes \$20 million for updating comprehensive plans and \$6 million for grants and technical assistance for planning efforts related to housing supply.

In addition to the housing-related land use bills noted above, the Legislature considered several proposals concerning development regulations and local government permitting. In the latter category, [HB 1401](#) sponsored by Representative Cyndy Jacobsen (R- 25th LD) would have provided that local governments could adopt expedited permitting processes for housing, while [HB 1611](#) sponsored by Representative Julia Reed (D- 36th LD) and [HB 1519](#) sponsored by Representative Andrew Barkis (R- 2nd LD) would have modified the requirements for applicant notification regarding completeness of permit applications. Ultimately, none of these proposals were passed into law.

The Legislature did pass [ESHB 1293](#) sponsored by Representative Mark Klicker (R- 16th LD), which requires cities and counties planning under the Growth Management Act (GMA) to apply only clear and objective design review standards to the exterior of new development, except for designated landmarks or historical districts. The bill clarifies project review provisions and adds expedited review of project permit applications that include affordable housing.

Parks and Recreation

Parks and recreation grant programs: The Capital budget provides \$120 million for Washington Wildlife and Recreation Program grants for habitat conservation, outdoor recreation, riparian protection, and other similar projects. An additional \$10.4 million is appropriated for Youth Athletic Facilities Program grants.

Department of Natural Resources land transactions, revenue distributions, and land transfer program: [SHB 1460](#) sponsored by Representative David Hackney (D- 11th LD), by request of the Department of Natural Resources (DNR), authorizes DNR to create and manage a trust land transfer (TLT) program to transfer economically under-performing state lands to other purposes, and to acquire replacement property to generate sustainable revenue to trust

beneficiaries. DNR may only submit properties to the Legislature for transfer if at least 50 percent of all previous appropriations for the purchase of replacement lands for the TLT program have been used. The list of TLT properties submitted to the Legislature shall not exceed \$30 million in total property value for each year a list is submitted.

Public Safety

The Legislature grappled with controversial policies in the public safety arena that were outstanding from the 2021 legislative session. The primary issues were peace officer vehicular pursuits and new legislation in response to the *State v. Blake* Supreme Court decision, which struck down Washington's law on possession of controlled substances as unconstitutional. The latter issue presented an especially urgent matter for the Legislature, as the 2021 law classifying possession of controlled substances as a misdemeanor is set to expire at the end of June 2023.

Peace officer vehicular pursuits:

In 2021, the Legislature passed legislation requiring probable cause, rather than reasonable suspicion, to believe that a person in the vehicle has committed certain offenses for an officer to engage in a vehicular pursuit. Law enforcement agencies expressed concern about this higher threshold and continued to do so, prompting follow-up legislation in the 2022 session to restore the standard of reasonable suspicion. The policy was not supported by police reform advocates and did not pass during the short session.

Policy dialogue around the vehicular pursuits issue continued to be contentious this session. The Washington Association of Sheriffs and Police Chiefs and many local governments advocated for restoration of the reasonable suspicion standard, citing examples of individuals who had eluded police apprehension since the 2021 law went into effect. Police reform advocates held the position that vehicular pursuits represent a danger to the public and noted that the number of people injured or killed from vehicular pursuits has decreased since 2021. The Chair of the Senate Law and Justice Committee refused to hold a hearing on [ESB 5352](#) sponsored by Senator John Lovick (D- 44th LD), out of concern that reverting back to the reasonable suspicion threshold would result in more dangerous pursuits.

Senate Bill 5352 was ultimately passed by the Legislature, its forward progress aided by a suspension of the rules in the Senate that brought the bill up for floor debate just in time for the house-of-origin cutoff. It lowers the evidentiary threshold for engagement in vehicular pursuits from probable cause to reasonable suspicion for specific crimes: a violent offense, a sex offense, a vehicular assault offense, an escape offense, driving under the influence, or a domestic violence assault offense. The pursuit must be necessary for the purpose of identifying or apprehending the person, and the fleeing person must pose a serious risk of harm to others. Its companion bill, [HB 1363](#) sponsored by Representative Alicia Rule (D- 42nd LD), was advanced by its assigned policy committees but because the Senate version advanced out of its chamber of origin, it became the vehicle for enacting the final policy.

Proposals establishing a work group on the vehicular pursuits issue were also introduced and considered this session but did not pass. [SB 5533](#) sponsored by Senator John Lovick (D- 44th LD), would have directed the Criminal Justice Training Commission (CJTC) to convene a work group to develop a model vehicle pursuit policy and establish a grant program for modern vehicle pursuit technology. [HB 1586](#) sponsored by Representative Roger Goodman (D- 45th LD),

would have directed the CJTC to convene a work group to develop legislative policy recommendations on vehicular pursuits and establish a grant program similar to what was proposed in SB 5533. While the Legislature did not approve either of these bills, \$3 million was appropriated in the 2023-25 Operating budget to fund a law enforcement technology grant program for modern vehicle pursuit management technology.

State v. Blake/possession of controlled substances:

The Senate took the lead on introducing policy approaches to the possession of controlled substances issue. Four proposals were introduced, and all would have repealed the current statute classifying drug possession as a misdemeanor and requiring law enforcement to make referrals to substance use assessment and treatment on two occasions before charges may be filed. Aside from that common thread, the four bills differed in their perspectives on how the offense should be classified and handled through the justice system.

[SB 5536](#) sponsored by Senator June Robinson (D- Everett), was chosen to advance in the legislative process. As passed by the Senate, the bill classified possession of controlled substances as a gross misdemeanor and contained provisions outlining the procedure for pretrial diversion and vacation of convictions. The bill passed the Senate by a narrow margin of 28-21, with a bipartisan mix of votes on both sides of the tally. In the House, the bill was amended to reduce the crime of possession down to a simple misdemeanor, which carries a sentence of up to 90 days in jail, rather than the gross misdemeanor sentence of up to 364 days. The House version also added the crime of drug use in a public place as a misdemeanor. The House passed the bill 54-41, with a few Democrats joining the Republicans in voting against it. The Senate refused to concur with the House's amendments, so the bill then went to conference.

The conference committee's recommendation went back to classifying possession as a gross misdemeanor as passed by the Senate, with the addition of classifying use in a public place as a gross misdemeanor as passed by the House. The bill was brought up for floor debate in the House on the final evening of the legislative session. The conference committee's recommendation was defeated by a vote of 43-55, with 15 Democrats joining the Republicans in opposing the bill. Following adjournment of the regular session, Governor Inslee called for a special session to begin on May 16th.

Legislators from all four caucuses met with one another and impacted stakeholders to draft a compromise bill. On May 16th the House and Senate convened for a special session to debate and vote on a [striking amendment](#) to Senate Bill 5536. The Senate passed the bill 43-6, with three Democrats and three Republicans voting in opposition. The House passed the bill 83-13, with nine Democrats and four Republicans voting in opposition, and two Representatives excused. In summary, the bill:

- Establishes knowing possession of a counterfeit or controlled substance as a gross misdemeanor. It also establishes use of a counterfeit or controlled substance in a public place as a gross misdemeanor. Both are subject to a sentence of up to 180 days, a fine of no more than \$1,000, or both, for the first two offenses. If a defendant has two or more prior convictions after July 1, 2023, the potential confinement increases to up to 364 days in jail and/or a fine of \$1,000.

- Diversion is required if the individual is only charged with possession or public use of an unlawful substance and if the individual does not have any criminal convictions after the effective date of the bill. Otherwise, pre-trial diversion, as well as other therapeutic court alternatives, are optional. The prosecutor must agree on any diversion option, including pre-trial diversion. If the prosecutor agrees, the court must approve the defendant's request if the individual has no other criminal offenses after the effective date of the bill and is only charged with possession or public use. Unless these criteria are met, the court has the discretion to approve the pre-trial diversion even if the prosecutor is supportive. The bill is ambivalent on diversion methods – law enforcement assisted diversion (LEAD), recovery navigator program (RNP), or an arrest and jail alternative program.
- Individuals must substantially comply with treatment for 12 months or by completing recommended treatment/services, whichever comes first.
- Local governments are preempted from regulating drug paraphernalia other than harm reduction services.
- Opioid treatment programs, recovery residences, substance use disorder treatment facilities, and harm reduction programs are added to the list of essential public facilities. Safe injection sites are specifically excluded from the definition of essential public facilities.
- The bill establishes a grant program for LEAD and funds the program at \$5 million for the 2023-25 biennium.

A side-by-side comparison of the House, Senate, conference committee, and special session striker versions of the bill can be viewed [here](#).

BLEA: The Capital budget appropriates \$2.76 million for the Criminal Justice Training Commission's regional training facilities, including \$1.4 million to expand the Spokane Academy and \$1 million for the Southwest Regional Training Academy. Additionally, the Operating budget provides \$15.8 million in general funds and \$3.8 million in other funds to provide three additional Basic Law Enforcement Academy classes at the main Burien campus each fiscal year and three new regional training academies (one each in Pasco, Skagit County, and Clark County) to support six additional BLEA classes per year.

Therapeutic Courts: \$20.6 million from the capital budget is appropriated to support new and existing therapeutic courts in courts of limited jurisdiction.

Co-responder programs: The enacted 2023-25 Operating budget provides \$4 million to the Association of Washington Cities to assist cities with the costs of implementing alternative response teams. Additionally, as part of the Legislature's effort to fund implementation of the statewide 988 behavioral health crisis system, \$45,260,000 is appropriated for expansion of local behavioral health mobile crisis response team capacity and \$4 million is set aside for grants to existing or new crisis response teams to meet state standards and criteria for receiving an endorsement to participate in the 988 system.

Indigent defense services: The Legislature appropriated just over \$147 million in the Operating budget for the Office of Public Defense. Of this amount, \$1.8 million is allocated for the purpose of improving the quality of trial court public defense services. The Office is directed to distribute \$450,000 per fiscal year to counties and \$450,000 per fiscal year in grants to cities.

Transportation, Utilities, and Public Works

The Legislature considered legislation that would have created a Public Works Revolving Trust Account in the State Treasury to be used for loans or grants to local governments for financing public works projects through the Public Works Board. If the legislation had been approved, the measure would have gone before the voters to amend the state Constitution. The policy did not receive enough support to advance this session. However, as noted above, the enacted budgets appropriate funding for infrastructure needs.

Capital budget highlights:

- **Public Works Assistance:** \$400 million from the Public Works Assistance Account to finance infrastructure projects for cities, counties, and special purpose districts.
- **Broadband:** \$200 million for the Broadband Access, Equity, and Deployment Program to expand broadband access to unserved and underserved communities across the state.
- **Sewer, water, and stormwater:** \$134.5 million in federal funds and the Drinking Water Assistance Account for low-interest loans and grants to drinking water systems and \$5 million for the Drinking Water System Rehabilitations and Consolidations Program.

Local transportation funding/TIB: The final Transportation budget allocates \$287 million for the Transportation Improvement Board, including \$14.6 million for Complete Streets grants and \$9 million in preservation funding for cities. Additionally, the Department of Transportation Pedestrian and Bicycle Safety Grant program is funded at \$51.9 million and the Safe Routes to Schools program is funded at \$54 million for the 2023-25 biennium.

Apprenticeship utilization requirements: [ESHB 1050](#) sponsored by Representative Marcus Riccelli (D- 3rd LD) requires public works contracts awarded by a municipality estimated to cost more than \$2 million to include specifications that no less than 15 percent of the labor hours be performed by apprentices beginning Jul 1, 2024. Beginning July 1, 2026, until July 1, 2028, apprenticeship utilization requirements apply to public works contracts estimated to cost over \$1.5 million. Beginning July 1, 2028, apprenticeship utilization requirements apply to public works contracts estimated to cost over \$1 million.

Impact fee use for bicycle and pedestrian facilities: [SB 5452](#) sponsored by Senator Sharon Shewmake (D- 42nd LD), adds bicycle and pedestrian facilities that were designed with multi-modal commuting as an intended use to the definition of “public facilities” for which impact fee revenue may be spent to support new growth and development. The bill faced opposition from the building industry, citing concern that local governments would increase impact fees to fund multi-modal facilities. However, the bill was strongly supported by its chief proponent, the City of Redmond, and received support from the Association of Washington Cities and other local governments.

Preventing Utility Shutoffs for Non-payment During Extreme Heat: [ESHB 1329](#) sponsored by Representative Sharlett Mena (D- 29th LD), by request of the Attorney General’s Office, prohibits utilities from involuntarily terminating water or electric service to a residential user during days for which the National Weather Service has issued certain heat-related alerts. Utilities are required to promptly make a reasonable attempt to reconnect service to a dwelling upon receipt of a reconnection requests for a day in which there are heat-related alerts in effect.

Utilities are authorized to require a payment plan prior to reconnecting service. The Attorney General's Office was amenable to amending the bill's provisions as the bill progressed through the legislative process to address concerns from utilities regarding the technical details on temperature readings, repayment plans, and other items. The bill was generally supported by utilities upon final passage.

State Leadership Announcements

On May 1st, Governor Jay Inslee announced that he would not seek a fourth term. He is one of only two Washington Governors to have served three consecutive terms. On May 2nd, Attorney General Bob Ferguson announced that he had initiated an exploratory campaign for a potential gubernatorial bid.

Additionally, on the final day of the legislative session, House Minority Leader J.T. Wilcox (R- 2nd LD) and Deputy Minority Leader Joel Kretz (R- 7th LD) announced that they would be stepping down from their leadership positions. On April 24th, the House Republican Caucus met and elected new leaders. Representative Drew Stokesbary (R- 31st LD) and Representative Mike Steele (R- 12th LD) were selected to be the new Minority Leader and Deputy Minority Leader, respectively. Representative Stokesbary has been the House Republican lead on the Operating budget for the last four years and Representative Steele has been the House Republican lead on the Capital budget for the last two years.

Bothell Bill Status Report: Bills that Passed the Legislature

Affordable Housing, Human Services & Homelessness

Bill #	Abbrev. Title	Short Description	Status	Sponsor
SB 5058	Multiunit res. buildings	Exempting buildings with 12 or fewer units that are no more than two stories from the definition of multiunit residential building.	C 263 L 23	Padden
SSB 5189 (HB 1348)	Behavioral health support	Establishing behavioral health support specialists.	C 270 L 23	Trudeau
E2SSB 5198 (SHB 1129)	Mobile home community sales	Concerning the sale or lease of manufactured/mobile home communities and the property on which they sit.	C 40 L 23	Frame
E2SSB 5258 (HB 1298)	Condos and townhouses	Increasing the supply and affordability of condominium units and townhouses as an option for homeownership.	C 337 L 23	Shewmake
2SSB 5555	Certified peer specialists	Creating the profession of certified peer specialists.	C 469 L 23	Randall

Budget & Fiscal Matters

Bill #	Abbrev. Title	Short Description	Status	Sponsor
2SHB 1425	Municipal annexations	Facilitating municipal annexations.	C 351 L 23	Berg

Environment

Bill #	Abbrev. Title	Short Description	Status	Sponsor
E2SHB 1181 (SSB 5203)	Climate change/planning	Improving the state's response to climate change by updating the state's planning framework.	C 228 L 23	Duerr
E2SSB 5144	Batteries/environment	Providing for responsible environmental management of batteries.	C 434 L 23	Stanford

Land Use and Planning

Bill #	Abbrev. Title	Short Description	Status	Sponsor
ESHB 1042	Use of existing buildings	Concerning the use of existing buildings for residential purposes.	C 285 L 23	Walen
E2SHB 1110 (SSB 5190)	Middle housing	Increasing middle housing in areas traditionally dedicated to single-family detached housing.	C 332 L 23	Bateman
ESHB 1293	Development regulations	Streamlining development regulations.	C 333 L 23	Klicker
EHB 1337	Accessory dwelling units	Expanding housing options by easing barriers to the construction and use of accessory dwelling units.	C 334 L 23	Gregerson
2SSB 5290 (HB 1296)	Local permit review	Concerning consolidating local permit review processes.	C 338 L 23	Mullet
2SSB 5412	Land use permitting/local	Reducing local governments' land use permitting workloads.	C 368 L 23	Salomon

Parks and Recreation

Bill #	Abbrev. Title	Short Description	Status	Sponsor
SHB 1460	DNR land	Concerning the department of natural resources land transactions, revenue distributions, and creation and management of a trust land transfer program.	C 383 L 23	Hackney

Public Safety

Bill #	Abbrev. Title	Short Description	Status	Sponsor
2SSB 5120	Crisis relief centers	Establishing 23-hour crisis relief centers in Washington state.	C 433 L 23	Dhingra
ESB 5352 (SHB 1363)	Vehicular pursuits	Concerning vehicular pursuits.	C 235 L 23	Lovick

Transportation, Utilities & Public Works

Bill #	Abbrev. Title	Short Description	Status	Sponsor
ESHB 1050	Apprenticeship utilization	Expanding apprenticeship utilization requirements.	C 342 L 23	Riccelli
ESHB 1329 (SSB 5366)	Utility shutoffs/heat	Preventing utility shutoffs for nonpayment during extreme heat.	C 105 L 23	Mena
SB 5452 (HB 1135)	Impact fee use	Authorizing impact fee revenue to fund improvements to bicycle and pedestrian facilities.	C 121 L 23	Shewmake

Bothell Bill Status Report: Bills that Died

Affordable Housing, Human Services & Homelessness

Bill #	Abbrev. Title	Short Description	Status	Sponsor
HB 1054 (Dead)	Occupancy limits	Addressing the authority of owners' associations in common interest communities to regulate or limit occupancy by unrelated persons.	H Rules 3C	Walen
SHB 1129 (Dead) (E2SSB 5198)	Mobile home community sales	Concerning the sale or lease of manufactured/mobile home communities and the property on which they sit.	H Rules R	Gregerson
HB 1276 (Dead) (SSB 5235)	Accessory dwelling units	Concerning accessory dwelling units.	H Housing	Pollet
HB 1298 (Dead)	Condos and townhouses	Increasing the supply and affordability of condominium units and townhouses	H Civil R & Judi	Hutchins

(E2SSB 5258)		as an option for homeownership.		
HB 1343 (Dead)	Rent relief & housing	Providing local governments with options to grant rent relief and preserve affordable housing in their communities.	H Housing	Kloba
HB 1348 (Dead) (SSB 5189)	Behavioral health support	Establishing behavioral health support specialists.	H HC/Wellness	Callan
HB 1350 (Dead)	Multifamily unit conversion	Expanding the multifamily tax exemption program to include converting existing multifamily units.	H Housing	Walen
SHB 1596 (Dead)	Affordable housing incentive	Providing local governments with options to increase affordable housing in their communities.	H Rules C	Kloba
2SHB 1628 (Dead)	Real estate excise tax	Increasing the supply of affordable housing by modifying the state and local real estate excise tax.	H Rules R	Chopp
SHB 1633 (Dead)	Homes for heroes program	Creating a homes for heroes program.	H Cap Budget	Connors
HB 1810 (Dead)	Mobile home rental assist.	Providing rental assistance to manufactured/mobile home park tenants.	H Housing	Orcutt
HB 1817 (Dead) (SB 5741)	Housing gap voucher pilot	Establishing a housing gap voucher pilot program.	H Housing	Rule
SB 5118 (Dead)	Multifamily property tax ex.	Concerning modifying the multifamily property tax exemption to promote development of long-term affordable housing.	S Housing	Kuderer
ESSB 5334 (Dead)	Affordable housing funding	Providing a local government option for the funding of essential affordable housing programs.	S Rules 3	Lovelett
SB 5624 (Dead)	Substance use recovery serv.	Implementing the recommendations of the substance use recovery services advisory committee.	S Law & Justice	Dhingra
SSB 5657 (Dead)	Kit home permitting	Concerning city and town permitting of kit homes.	S Rules X	Wilson

Budget & Fiscal Matters

Bill #	Abbrev. Title	Short Description	Status	Sponsor
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HB 1670 (Dead)	Property tax limit factor	Raising the limit factor for property taxes.	H Rules R	Ormsby
SB 5059 (Dead)	Prejudgment interest	Concerning prejudgment interest.	S Ways & Means	Kuderer
SB 5568 (Dead)	Liquor revenue/local gov.	Restoring liquor sales revenue distributions to local governments.	S Labor & Comm	Wagoner
SB 5618 (Dead)	Local property tax limit	Increasing the local property tax revenue growth limit.	S Loc Gov, Land	Kuderer
SB 5770 (Dead)	Property tax	Providing state and local property tax reform.	S Ways & Means	Pedersen

Environment

Bill #	Abbrev. Title	Short Description	Status	Sponsor
SHB 1078 (Dead)	Urban forest management	Concerning urban forest management ordinances.	H Approps	Duerr
2SHB 1131 (Dead) (SSB 5154)	Solid waste management	Improving Washington's solid waste management outcomes.	H Rules C	Berry
SHB 1185 (Dead)	Lighting products	Reducing environmental impacts associated with lighting products.	H Rules R	Hackney
HB 1553 (Dead)	Batteries/environment	Providing for responsible environmental management of batteries.	H Env & Energy	Street
SSB 5154 (Dead) (2SHB 1131)	Solid waste management	Improving Washington's solid waste management outcomes.	S Ways & Means	Rolfes

General Government

Bill #	Abbrev. Title	Short Description	Status	Sponsor
HB 1597 (Dead) (SB 5571)	Public records act requests	Limiting frivolous claims by modifying administrative and judicial review processes for public records request responses.	H State Govt & T	Springer
SB 5571 (Dead) (HB 1597)	Public records act requests	Limiting frivolous claims by modifying administrative and judicial review processes for public records request responses.	S State Govt & E	Rivers

Land Use and Planning

Bill #	Abbrev. Title	Short Description	Status	Sponsor
E2SHB 1167 (Dead)	Residential housing	Concerning residential housing regulations.	H Rules 3C	Duerr
ESHB 1245 (Dead) (SSB 5364)	Lot splitting	Increasing housing options through lot splitting.	H Rules 3C	Barkis
HB 1296 (Dead) (2SSB 5290)	Local permit review	Concerning consolidating local permit review processes.	H Approps	Peterson
SHB 1351 (Dead) (SB 5456)	Minimum parking requirements	Prohibiting the imposition of minimum parking requirements except under certain circumstances.	H Rules R	Reed
HB 1517 (Dead) (ESSB 5466)	Transit-oriented development	Promoting transit-oriented development.	H Housing	Reed
HB 1611 (Dead)	Local government permitting	Concerning local government permitting.	H Finance	Reed
HB 1723 (Dead) (SSB 5651)	GMA/equity and env. justice	Concerning equity and environmental justice in the growth management act.	H Local Govt	Duerr
SSB 5190 (Dead) (E2SHB 1110)	Middle housing	Increasing middle housing in areas traditionally dedicated to single-family detached housing.	S Ways & Means	Trudeau
SSB 5235 (Dead) (HB 1276)	Accessory dwelling units	Concerning accessory dwelling units.	S Rules 3	Shewmake
ESSB 5466 (Dead) (HB 1517)	Transit-oriented development	Promoting transit-oriented development.	S Rules 3	Liias
SB 5473	Project permit	Concerning project permit timelines.	S Loc	Gildon

(Dead)	timelines		Gov, Land	
SSB 5609 (Dead)	Housing approval	Establishing housing approval requirements that will eliminate Washington's housing shortage.	S Ways & Means	Braun
SSB 5651 (Dead) (HB 1723)	GMA/equity and env. justice	Concerning equity and environmental justice in the growth management act.	S Ways & Means	Lovelett

Public Safety

Bill #	Abbrev. Title	Short Description	Status	Sponsor
2SHB 1025 (Dead)	Police/private actions	Creating a private right of action for harm from violations of the state Constitution or state law by peace officers.	H Rules C	Thai
SHB 1363 (Dead) (ESB 5352)	Vehicular pursuits	Concerning vehicular pursuits.	H Rules R	Rule
2SHB 1445 (Dead)	Law enf. misconduct	Concerning law enforcement and local corrections agency misconduct through investigations and legal actions.	H Rules C	Hansen
SSB 5361 (Dead) (HB 1446)	Law enf. officers/increase	Incentivizing cities and counties to increase employment of commissioned law enforcement officers.	S Ways & Means	Holy
SB 5467 (Dead) (HB 1613)	Controlled sub. possession	Encouraging treatment for possession of certain counterfeit drugs or controlled substances.	S Law & Justice	Salomon
2E2SSB 5536 (Dead)	Controlled substances	Concerning controlled substances, counterfeit substances, and legend drug possession and treatment.	C 1 L 23 E1	Robinson

Transportation, Utilities & Public Works

Bill #	Abbrev. Title	Short Description	Status	Sponsor
HB 1099 (Dead)	Public works wages	Requiring certain wages in public works contracts to be at least the prevailing wage in effect when the work is performed.	H Cap Budget	Berry
HB 1135 (Dead)	Impact fee use	Authorizing impact fee revenue to fund improvements to bicycle and pedestrian	H Rules R	Slatter

(SB 5452)		facilities.		
SSB 5303 (Dead)	Public works trust account	Creating the public works assistance revolving account.	S Rules 3	Mullet
SSB 5366 (Dead) (ESHB 1329)	Utility shutoffs/heat	Preventing utility shutoffs for nonpayment during extreme heat.	S Rules X	Nguyen
SB 5418 (Dead)	Definition of public work	Expanding the definition of public work.	S State Govt & E	Conway



City of Bothell™

2023-2024 State Legislative Agenda

Crisis Receiving Center in North King County

Bothell, Kenmore, Kirkland, Lake Forest Park, and Shoreline have formed a unique coalition to improve our regional behavioral health crisis continuum and have discovered a critical flaw in the existing system: the lack of alternatives to hospital emergency rooms, jails, or inpatient stays for individuals in crisis. Our coalition is partnering with Connections Health Solutions to design, build, and operate a comprehensive behavioral health crisis center in north King County. The facility will serve individuals of all acuities, accept 100% of first responder drop-offs, and provide walk-in access to urgent psychiatric care. Bothell requests the state's support to fund the financial gap for construction and startup costs of the North King County Crisis Receiving Center.

Housing

The City of Bothell is committed to doing its part to address the region's greatest challenge, a dearth of housing. The City welcomes the State's partnership via grant programs and funding tools to increase the number and types of housing for all income levels. The City supports policies and incentivizes that increase private housing construction including, but not limited to, reducing legal liability for condominium developers.

Bothell Way Multimodal Project

Bothell Way runs through downtown Bothell and connects State Route 522 and Interstate 405 in Canyon Park, crossing both Snohomish and King Counties. This project consists of mobility improvements to include widening the roadway, support transit services, create protected bike lanes, and install sidewalks to create a safer and more reliable means of travel for the community. Three fish passable culverts will be included in the project. The City is grateful for the \$7 million dedicated toward improvements along Bothell Way NE within the Move Ahead WA package and requests that the funds be phased in accordance with the project timeline in order to maximize the usage of federal dollars.

Transportation Demand Management at Canyon Park

Canyon Park is the City's regional growth center and a major employment hub that will continue to grow. It is currently served by Community Transit, and Sound Transit will have expanded service via an inline BRT station along I-405. Canyon Park is primed to accommodate growth in the region, and Bothell is planning accordingly. The Canyon Park Subarea Plan includes a transportation demand management (TDM) program. The City is grateful for the \$250,000 the Legislature allocated to support TDM startup costs. The City requests that the funds be re-appropriated to the new biennium. Additionally, the City supports a robust investment in the state's Regional Mobility Grant Program, which provides funding for TDM programs.

Downtown Revitalization

The City is thrilled with the pending redevelopment of Block D, located in the southwest corner of Downtown, at the intersection of SR 522 and Bothell Way NE. Without funding for cleanup, the City would not have been able to sell the property to a developer who is constructing a mixed-use building with 369 apartment homes and 9,800 square feet of retail space. The restoration of this property was possible because of the City's commitment, the state's support through the Department of Ecology's Remedial Action Grant (RAG) program, and a direct appropriation of \$1.5 million in 2019. To continue the Downtown Revitalization, the City requests the state's continued investment in the RAG program, adequate support for Ecology staff, and common-sense policy reforms that allow resources to be expended more efficiently.



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2023-24 Policy Manual

Affordable Housing, Human Services and Homelessness

- COVID-19 Impacts: Support state funding for rental, mortgage and utility assistance to prevent evictions and foreclosures for those who have been financially impacted by the COVID-19 pandemic.
- Crisis Receiving Center: Support a capital budget request to fund the financial gap for design, construction, and initial operation of the North King County Crisis Receiving Center.
- Fair Housing: Support legislative efforts toward fair housing and anti-discrimination.
- Fund Affordable Housing: Support options to increase the supply of affordable housing in the Central Puget Sound region through investments in the Housing Trust Fund and providing local option funding mechanisms.
- Homelessness Services: Support initiatives that increase the availability of resources that add services and shelter, and assist communities in addressing issues of mental health, substance use disorder, and homelessness.
- Manufactured Housing: Support funding to preserve manufactured housing communities, including public purchase of privately-owned communities and replacement assistance for individual homes that have reached the end of their usable life.
- Opioid Epidemic: Support legislative efforts and additional funding to combat the heroin/opioid epidemic and to aid those hampered by addiction.
- Behavioral Health Workforce Development: Support investments in programs and changes to policies that expedite the training and certification for behavioral health workers. Without a sufficient and skilled workforce, facilities like the Crisis Receiving Center and programs like RADAR cannot address the needs of the community.

Budget and Fiscal Matters

- 1% Property Tax Cap: Support legislation to address property tax cap limits.
- Local Taxes: Oppose legislation that would preempt or reduce local discretion over locally imposed taxes.
- Municipal Bonds: Support legislation that preserves tax exempt municipal bonds and advanced refunding of municipal bonds.
- State Shared Revenues: Protect state shared revenues including, but not limited to, liquor, marijuana, and funding for MRSC.

Environment

- Climate Change: Support policies and funding that mitigate the causes of climate change and help cities adapt to be more resilient in the face of climate change impacts.
- Ecology Staffing: Support increased staffing at Department of Ecology to operate contaminated site remediation programs and streamline the administrative processes.
- Fish Barrier Removal: Increase state funding to correct locally-owned culverts as a part of the state's overall resolution to the culvert injunction. Over the last several biennia, the Legislature has funded less than 1/4 of the Fish Barrier Removal Board's recommended



City of Bothell™

2023-24 Policy Manual

projects. This is the primary source for local governments to seek state support, and it is profoundly underfunded.

- **35th Avenue Storm Drainage Project:** The City is improving the storm drainage system at 35th Avenue and Cole/Woods Creek to address stormwater flooding up north. The project includes one fish-bearing culvert installation, stream restoration and relocation of existing utilities. The City is seeking funding through all means possible.
- **Remedial Action Grants:** Support stable and increased funding for contaminated site remediation and policies that encourage greater than 50% state match for projects.
- **Shelton View Forest:** Support the preservation of the Shelton View Forest.
- **Waste Reduction:** Support waste reduction policies, such as product stewardship to reduce inputs into the waste stream.

General Government

- **Cybersecurity:** Support proposals that assist local governments to defend against and respond to cyber- attacks.
- **Economic Development:** Support legislation that enhances the City's ability to promote economic development and job creation. This includes, but is not limited to, protecting and improving the newly created tax increment financing authority.
- **Public Records Act:** Support legislation that amends the Public Records Act to maintain transparency and allows public agencies to cover costs of compliance.

Land Use and Planning

- **Density Incentives:** Support efforts to incentivize cities to increase density within their jurisdiction and policies that remove barriers to the development of middle housing types.
- **Impact Fees:** Support funding to offset financial effects for cities who choose to reduce impact fees to promote development.
- **Integration:** Support efforts to better integrate Shoreline Management Act, Growth Management Act and State Environmental Policy Act.
- **Long Range Planning Funding:** Support local option to use a portion of permit fees to support long range planning.

Parks and Recreation

- **Local Option Funding:** Support local option tools to fund parks and recreation projects and programs.
- **Parks & Rec Grant Programs:** Support ongoing funding for the Recreation & Conservation Office (RCO) to administer grants for local parks and recreation including, but not limited to, the WA Wildlife and Recreation Program (WWRP), and the Youth Athletic Facilities (YAF) grant programs.
- **Small Works Roster:** Support authorizing Parks and Recreation Service Areas to use the Small Works Roster.



City of Bothell™

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Public Safety

- Blake Decision: Support legislation and budget requests to fund immediate and critical court services including, but not limited to, increased city costs from the Blake Decision. Support legislation clarifying possession of a controlled substance so individuals, law enforcement, and treatment providers can respond appropriately.
- BLEA: Support funding for a sufficient number of Basic Law Enforcement Academy (BLEA) classes so newly hired officers can complete the mandatory training in a timely manner.
- Co-Responder Programs: Support ongoing state funding for co-responder programs like the current Response Awareness, De-Escalation and Referral (RADAR) program. The cities of Bothell, Kenmore, Kirkland, Lake Forest Park, and Shoreline are partnering to expand this mobile crisis response program to address the rights and needs of individuals with behavioral health issues and/or developmental disabilities.
- Indigent Defense: Support increasing the state's contribution towards indigent defense services.
- Restorative Justice: Support efforts to move toward restorative justice in the court system.
- Staffing: Support policies and funding for staffing and recruitment of police officers.

Transportation, Utilities and Public Works

- Broadband: Support policies and funding that provide greater access and equity for broadband infrastructure and services.
- Eastside Transportation Partnership (ETP): The City of Bothell is a member of the ETP, a collaborative organization representing 21 Eastside King County cities and King County. The City supports the ETP's 2023 Legislative Priorities that align with city transportation priorities.
- Franchise Fees: Oppose legislation that diminishes or does not assure local franchise fees for all utilities' use of City right-of-way.
- I-405: Support timely implementation of the WSDOT I-405 Master Plan, specifically the improvements along the north end of the corridor that are necessary for functional BRT service.
- Local Transportation Funding: Support legislation that provides a fair, reliable, equitable, and continuous funding source for transportation projects, allocates funding for local street maintenance projects, and increases funding for infrastructure repair and maintenance.
- Multimodal Transportation: Support policies and programs that promote the development of multimodal transportation options, including but not limited to micro mobility infrastructure and transportation-oriented development.
- Public Works Assistance Account: Support sustainable funding for the Public Works Assistance Account, including allowing the current revenue diversions to sunset at the end of fiscal year 2023 and refraining for further transfers.
- Sewer, Water, Stormwater: Support legislation that provides funding to local governments for water, sewer, and storm system projects.



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- SR 522/527: Support improvements to SR 522 and SR 527 as major arterials through Bothell.
- TIB: Support increased funding for the Transportation Improvement Board grant programs.
- Water Supply: Support efforts to ensure and protect the water supply for local agencies.



City of Bothell™

MINUTES City Council

Tuesday, May 16, 2023 @ 6:00 PM

BOTHELL CITY HALL 18415 101st AVE NE BOTHELL, WA 98011

Call to Order, Pledge of Allegiance & Roll Call

Mayor Thompson called the meeting to order at 6:00 p.m.

Present: Mayor Thompson, Deputy Mayor Al-Kabra, Councilmember Zornes, Councilmember Alderks, Councilmember Mahrkey, and Councilmember Dodd

Absent: Councilmember McNeal

1. Meeting Agenda Approval

The agenda was approved as presented with one minor change to reverse the order of the proclamation presentations.

2. Presentations, Reports and Briefings

2.a. Public Engagement Opportunities

Mayor Thompson reviewed upcoming public engagement opportunities.

2.b. Proclamations

2.b.2 Public Works Week

Mayor Thompson read the proclamation and presented it to Public Works Director Erin Leonhart, who accepted on behalf of the Public Works department.

2.b.1 National Gun Violence Awareness Day

Mayor Thompson read the proclamation and presented it to Allegra Hollenbeck, who accepted on behalf of Moms Demand Action.

2.c. Staff Briefings

2.c.1 Upcoming Summer Events and Programming

Recreation and Community Events Coordinator Blaine Land presented the item and entertained Council comments

3. City Manager Report

City Manager Kyle Stannert introduced Interim Chief Mark Risen to Council and the Community. He also reported the State's Special Session voted on a bill and moved it forward to the Governor for signature. Shelly Helder will be here on June 6th to provide a post Legislative Session Update.

4. Council Committee Reports

Councilmember Alderks reported on the North King County Coalition on Homelessness (NKCCH).

5. Visitor Comment

Mark Swanson – spoke regarding wildlife in his back yard and clean drinking water.

A. [Public Comment Form - Mark Swanson - Pdf](#)

6. Projected Agenda Discussion

None.

7. Consent Agenda

a. Approval of Minutes from May 9, 2023.

Recommended Action: Approve the May 9, 2023 minutes as presented.

b. Approval of April 2023 Vouchers

Recommended Action: Approve the vouchers for April 2023.

c. Approval to Award Contract for the 2023 Asphalt Patching Project

Recommended Action: Authorize the City Manager to enter into an agreement with Central Paving, LLC. for the 2023 Asphalt Patching Project in the amount of \$806,270.50.

MOTION: Councilmember Dodd moved to approve the Consent Agenda as presented. Councilmember Alderks seconded. The motion carried 6-0-1 (absent: Councilmember McNeal).

8. Contracts & Agreements

a. Consider Approval of Agreements to Use City Right-of-Way for the 102nd Ave NE Downtown Access Improvements Project for Parcel No(s). 096700-0340, 096700-0425 and 096700-0130.

Public Works Capital Projects Engineer Allyx Copeland presented the item and along with Supervising Capital Projects Engineer Ryan Roberts, entertained Council questions.

MOTION: Councilmember Mahnkey moved to authorize the City Manager to execute all three (3) Agreements to Use City Right-of-Way with property owners along 102nd Ave NE. Deputy Mayor Al-Kabra seconded. The motion carried 6-0-1 (absent: Councilmember McNeal).

Council recessed at 6:55 PM and reconvened at 7:05 PM.

9. Study Session

a. Study Session Regarding Canyon Park Transfer of Development Rights Program

Community Development Deputy Director Ashley Winchell and Sound Transit Deputy Program Executive Rick Capka presented the item. Together with Berk Associate Principal Andrew Bjorn, they entertained Council questions. Discussion ensued.

Council provided feedback to move forward with a public hearing on June 6, 2023.

b. Study Session to Review the Next Steps in the Council Priority Workplans and to Consider a One-time Budget Amendment to Implement

Deputy City Manager Toni Call and Finance Director Kwan Wong presented the item and entertained Council questions along with Assistant City Manager Becky Range, Community Development Director Jason Greenspan and Parks Director Nik Stroup. Discussion ensued.

Council provided feedback on the one-time budget amendment to meet the three-year priorities. The budget amendment will return to Council for consideration/action at an upcoming Council meeting.

Council recessed at 9:07 PM and reconvened at 9:17 PM.

c. Study Session Regarding the Public Works Trust Fund Loan for the 35th Ave SE Drainage Improvement Project

Public Works Supervising Capital Projects Engineer Ryan Roberts presented the item and entertained Council questions together with Utilities and Development Division Manager Boyd Benson. Discussion ensued.

Council provided feedback on using a Public Works Trust Fund Loan to fund the 35th Ave SE Drainage Improvement project. Staff will return to Council seeking authorization for the City Manager to enter into a \$1,900,000 loan agreement through the Washington State Public Works Board.

10. Council Conversations

Councilmember Zornes spoke about the Father's Day Carolina Smoke fundraiser for a firefighter with cancer.

Councilmember Dodd, Alderks and Zornes all spoke about the Council Vision Statement.

Councilmember Mahnkey spoke about the Gun Violence Proclamation and securing firearms.

Councilmember Alderks spoke about suicide prevention and systems for mental health protections.

Councilmember Dodd spoke about the importance of having conversations with our kids.

11. Adjourn

Mayor Thompson adjourned the meeting at 9:53 PM.



PUBLIC COMMENT FORM

**PC-23-
072**

City of Bothell™

Meeting: May 16, 2023
Submitted by: Mark Swanson
Address: 9301 NE 183rd St
I would like to: Speak at the meeting (directions will be emailed to you)

AGENDA BILL or SUBJECT:

Urban Densification

COMMENT OR QUESTION:

A Bothell City staffer kindly pointed out a mathematical error of mine in a prior submission. Thanks to them I am resubmitting that to correct the error for the public record. Corrected version: At the joint Northshore School District and Bothell City council meeting Jason Greenspan, Bothell's Community Development Director stated that his projection of Bothell's population in the year 2044 is 75,000 people. This is a benchmark figure. HB1110 stipulates that once the population hits that mark that an automatic upzone to six-plexes occurs in single family residence neighborhoods. That represents just under a 2.2% population growth rate every year. The Brookings Institute studied the last census data and determined that the US population growth rate is nearly flat at 0.12%. <https://www.brookings.edu/research/u-s-population-growth-has-nearly-flatlined-new-census-data-shows/> So exactly why then is the City council and the planning commissioners forcing Bothell's population growth rate at almost TWENTY TIMES the National growth rate at the expense of the very nature of our community, neighborhoods, wildlife, salmon and habitat? It seems as if they don't care about anything other than expanding the kingdom and their insatiable greed for tax revenue. If we don't come together as a community and oppose this, Bothell as the place we've chosen to live will be gone.



City of Bothell™

City Council
Agenda Bill
AB # 23-078

TO: Mayor Thompson and Members of the Bothell City Council

FROM: Kwan Wong, Finance Director

DATE: June 6, 2023

SUBJECT: Approve April 2023 Payroll and Benefit Transactions

POLICY CONSIDERATION:	<p>This item asks the City Council to consider approval of payroll and benefit transactions for the period of April 1-30, 2023 totaling \$4,852,525.68 as required by statute.</p> <p>RCW 42.24.080 requires that all claims presented against the City by persons furnishing materials, rendering services, or performing labor must be certified by the appropriate official to ensure that the materials have been furnished, the services rendered, or the labor performed as described, and that the claims are just, due and unpaid obligations against the City, before payment can be made.</p> <p>RCW 42.24.180 allows expedited processing of the payment of claims when certain conditions have been met. The statute allows the issuance of warrants or checks in payment of claims before the legislative body has acted to approve the claims when: (1) the appropriate officers have furnish official bonds, (2) the legislative body has adopted policies that implement effective internal controls; (3) the legislative body has provided for review of the documentation supporting the claims within a month of issuance; and (4) that if claims are disapproved, they shall be recognized as receivables and diligently pursued. The City meets all of these conditions.</p> <p>BMC 2.20.020 grants the City Treasurer to have all the powers granted and duties imposed by authority of the laws of the state and ordinances of the City, now existing or hereinafter adopted, subject to the general supervision of the City Manager.</p> <p>BMC 2.20.030 The City Treasurer, in addition to the powers set forth in BMC 2.20.020, is hereby designated pursuant to RCW 42.24.080 and 42.24.180 as the auditing officer of the City of Bothell with the authority for the auditing and payment of claims. The city authority shall have and is hereby authorized to issue</p>
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warrants or checks in payment of such claims; provided, within one month of issuance of all checks and warrants in payment of claims, the city council shall docket on its consent agenda the approval of payment of all such claims.

HISTORY:

DATE	ACTION
JUNE 5, 2000	Ordinance 1810 appointed Finance Director/City Treasurer as City Auditor

DISCUSSION:

All payments made during this period were found to be valid claims against the City. Details are available from the Finance Department.

The City's internal controls include certification of the validity of all payments by the appropriate department prior to submission for payment. Accounts Payable staff review all claims payments and Payroll performs system validation and exception reviews to validate payroll records. In addition, the Deputy Finance Director performs a random sampling review of supporting documentation for payments to ensure validity. The Finance Department regularly reviews its processes to ensure appropriate internal controls are in place.

FISCAL IMPACTS:

Direct deposit transactions #219877 – 220642 in the amount of \$4,701,045.55.

Payroll and benefit check transactions #41027 - 41055 in the amount of \$151,480.13.

These amounts were budgeted and sufficient funds are available in the 2023 budget to cover these payments.

ATTACHMENTS:

Att-1. April Payroll and Benefit Transactions
(For Council distribution only. Check listings are available for review in the Finance Department.)

RECOMMENDED ACTION:

Approve payroll and benefit transactions for April 2023.



City of Bothell™

City Council
Agenda Bill
AB # 23-079

TO: Mayor Thompson and Members of the Bothell City Council

FROM: Erin Leonhart, Public Works Director
Ryan Roberts, Supervising Capital Engineer, Public Works Dept. (Presenter)

DATE: June 6, 2023

SUBJECT: Approval of Public Works Trust Fund Loan for the 35th Ave SE Drainage Improvement Project

POLICY CONSIDERATION: The item asks the City Council to consider if the City should enter into a loan contract with the Washington State Public Works Board to complete construction of the 35th Ave SE Drainage Improvements project (SW23) of the 2023-2029 Capital Facilities Plan. During the May 16, 2023 Study Session, City Council supported this item returning for action on the Consent Agenda.

The project's construction phase is not authorized to commence until all funding sources are identified, secured and appropriated. Without this funding, the area will continue to be at risk of flooding until alternative funding is secured and the project is completed.

If approved, the Public Works Trust Fund Loan (PWTFL) will secure funding and construction can commence as planned in 2024.

HISTORY:	DATE ACTION	
	DATE	ACTION
	DECEMBER 6, 2016	City Council adopted 2017-23 Capital Facilities Plan
	NOVEMBER 13, 2018	City Council adopted 2019-25 Capital Facilities Plan
	SEPTEMBER 17, 2019	City Council approved Professional Service Agreement for the design of the 35th Ave SE Drainage Improvement Project
	NOVEMBER 17, 2020	City Council adopted 2021-2027 Capital Facilities Plan
	OCTOBER 4, 2022	Council adopted the 2023-2029 Capital Facilities Plan
	MAY 16, 2023	City Council received a presentation about the Public Works Trust Fund Loan in Study Session

The 35th Ave SE Drainage Improvements project (SW23) includes design and construction of a new culvert at Cole/Woods Creek. The project is included in adopted 2023-2029 Capital Facilities Plan (CFP) and is intended to improve fish passage and reduce flooding along 35th Ave SE between 228th St SE and 240th St SE. The Washington Department of Fish and Wildlife maps the Cole/Woods Creek culvert crossing at 35th Ave SE as a physical fish barrier for potential Coho, Steelhead, Cutthroat, and resident Trout. Flooding at this location in 2007 resulted in overflowing roadway ditches, standing water at the intersections at 236th St SE and 240th St SE, and eventually surface water flowing into the Monte Villa Business Park south of 240th St SE.

In 2007, a drainage study was performed to evaluate stormwater runoff and existing facilities north of the Monte Villa Business Park. The primary drainage facilities of concern identified in the study were the Cole/Woods Creek culvert crossing at 35th Ave SE; the roadside ditches and culvert crossings that flow south of the creek along the east side of 35th Ave SE; and the existing pipes within 240th St SE that convey flow west of 35th Ave SE into North Creek. An environmental review was also performed as part of the study to determine potential stream and fish impacts.

The City entered into a Professional Services contract in 2019 to complete design and permitting of the new fish-passage culvert. The design is almost 60 percent complete and design and permitting for the project is anticipated to be finalized in early 2024. Design and permitting for the project are funded by the Storm and Surface Water Utility in accordance with the adopted 2023-2024 budget. As currently planned, construction of the project will occur during the 2024 summer fish-window pending provided that full funding is secured.

DISCUSSION: A federal grant was initially considered to fund \$2 million of the estimated \$3.1 million construction costs. However, after evaluating various options to fund the project, it was determined that using a PWTFM was the most efficient and cost-effective way to fund the project. It was estimated that if a federal grant was applied for and awarded, the project could be delayed anywhere from seven months to two years, and increase design costs by \$80,000 to \$140,000. This is mainly related to the application and award process, and the effort to “federalize” a project to meet federal requirements. When also looking at inflation rates being 6% to 9%, the delays would significantly increase the cost of construction as well when compared to the 1.39% interest rate on the loan. It is also unlikely that the City would be able to get an award in excess of \$1.0

million for this type of project even if it was successful in the federal grant competition.

With these factors in mind, staff applied for, and was awarded, the \$1.9 million PWTF to maintain the current project schedule, complete design, and proceed with construction in 2024. The balance of the construction costs currently utilize available Storm and Surface Water Utility finds in accordance with the approved budget.

**FISCAL
IMPACTS:**

The \$1.9 million PWTF loan was offered to the City in 2022. If accepted and approved, the debt service payments will commence in 2024 and will be allocated over a 20-year period. (Please note that this date coincides with item 7 – “Contract Start Date” on the PWB Construction Loan Contract which will get filled in when this contract is executed. This is different than the “Loan Reimbursement Start Date” that is listed in the Declarations.) The interest rate is 1.39% and annual loan debt service is estimated at \$120,000. Debt service payments will be allocated from available City Storm and Surface Water Utility funds.

A budget amendment will be required prior to construction and loan repayment. The budget amendment request will be presented to Council at a future date to allow for possible efficiencies should other requests be required later in 2023.

ATTACHMENTS:

- Att-1. Vicinity Map
- Att-2. PWTF Construction Loan Agreement
- Att-3. Capital Facilities Plan for SW23

**RECOMMENDED
ACTION:**

Authorize City Manager to enter into a Construction Loan Contract, with the Washington State Public Works Board, to fund the design, acquisitions, and construction of the 35th Ave SE Drainage Improvement Project in the amount of \$1,900,000.00.



35th Ave SE Drainage Improvement Project

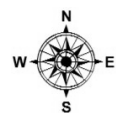
Legend

Rivers and Streams

- Open Stream
- - - Piped Stream

Wetlands

- Bothell City Limits
- 2018-Mar Ortho (Bothell)
- 2015-Mar Ortho (Bothell)
- World Topo Map (ESRI)
- World Street Map (ESRI)



The City of Bothell delivers this data (map) in an AS-IS condition. GIS data (maps) are produced by the City of Bothell for internal purposes. No representation or guarantee is made concerning the accuracy, currency, or completeness of the information provided.

VICINITY MAP

CONTRACT FACE SHEET

Contract Number: PC23-96103-113

PUBLIC WORKS BOARD CONSTRUCTION LOAN CONTRACT

1. Contractor City of Bothell 18415 101st Ave NE Bothell, WA 98011		2. Contractor Doing Business As (optional) N/A	
3. Contractor Representative N/A		4. Public Works Board Representative N/A	
5. Contract Amount \$1,900,000.00	6. Funding Source Federal: <input type="checkbox"/> State: <input checked="" type="checkbox"/> Other: <input type="checkbox"/> N/A: <input type="checkbox"/>	7. Contract Start Date Contract Execution Date	8. Contract End Date June 1, 2043
9. Federal Funds (as applicable) N/A		Federal Agency N/A	CFDA Number N/A
10. Tax ID # 91-6001403	11. SWV # SWV0018945	12. UBI # 179-007-103	13. DUNS # 0223388883
14. Contract Purpose Fund a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of streets, roads, bridges, drinking water systems, stormwater systems, sanitary sewage systems, or solid waste facilities, including recycling facilities.			
The BOARD, defined as the Washington State Public Works Board and Contractor acknowledge and accept the terms of this Contract and attachments and have executed this Contract on the date below to start as of the date and year last written below. The rights and obligations of both parties to this Contract are governed by this Contract and the following other documents that are incorporated by reference: Contract Terms and Conditions including Declarations Page; and Attachment I: Attorney's Certification.			
FOR THE CONTRACTOR _____ Signature _____ Print Name _____ Title _____ Date		FOR PUBLIC WORKS BOARD _____ Kathryn A. Gardow, Public Works Board Chair _____ Date APPROVED AS TO FORM ONLY _____ Date: Dawn C. Cortez Assistant Attorney General	

DECLARATIONS

CLIENT INFORMATION

Legal Name: City of Bothell
Loan Number: PC23-96103-113

PROJECT INFORMATION

Project Title: 35th Ave Drainage and Fish Passage Improvements
Project City: Bothell
Project State: **Washington**
Project Zip Code: 98011

LOAN INFORMATION

Loan Amount: \$1,900,000.00
Total Estimated Cost: \$5,190,000.00
Total Estimated Project Funding: \$1,900,000.00
Loan Forgiveness % (if applicable): %
Loan Term: 20
Interest Rate: 1.39%
Payment Month: July 1st
Loan Reimbursement Start Date: November 5, 2022
Time of Performance: 60 months from Execution Date of this Contract to Project Completion.

SPECIAL TERMS AND CONDITIONS GOVERNING THIS LOAN AGREEMENT

LOAN SECURITY CONDITION GOVERNING THIS LOAN AGREEMENT

This loan is a revenue obligation of the CONTRACTOR payable solely from the net revenue of the Sanitary Sewer (Wastewater) system. Payments shall be made from the net revenue of the utility after the payment of the principal and interest on any revenue bonds, notes, warrants or other obligations of the utility having a lien on that net revenue. As used here, "net revenue" means gross revenue minus expenses of maintenance and operations. The BOARD grants the CONTRACTOR the right to issue future bonds and notes that constitute a lien and charge on net revenue superior to the lien and charge of this loan agreement.

SCOPE OF WORK

This project seeks to replace existing culverts to improve the flow of Cole/Woods Creek as it crosses 35th Ave SE and prevent flooding of 35th Ave NE and 240 St SE during high volume rain events.

The project costs may include but are not limited to: engineering, cultural and historical resources, environmental documentation, review, permits, public involvement, bid documents and construction. The project needs to meet all applicable Local, State, and/or Federal standards.

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CONTRACT TERMS AND CONDITIONS

PUBLIC WORKS BOARD CONSTRUCTION LOAN PROGRAM

Part 1. SPECIAL TERMS AND CONDITIONS

1.1 Definitions

As used throughout this Construction Loan Contract the following terms shall have the meaning set forth below:

- A. "Contract" shall mean this Construction Loan Contract.
- B. "Contractor" shall mean the local government identified on the Contract Face Sheet performing service(s) under this Contract and who is a Party to the Contract, and shall include all employees and agents of the Contractor.
- C. "The BOARD" shall mean the Washington State Public Works Board created in Revised Code of Washington (RCW) 43.155.030, and who is a Party to the Contract.
- D. "Declarations " and "Declared" shall refer to the project information, loan terms and conditions as stated on the Declarations Page of this Loan Contract, displayed within the Contract in **THIS STYLE** for easier identification.

1.2 Authority

Acting under the authority of Chapter 43.155 RCW, the BOARD has awarded the Contractor a Public Works Board construction loan for an approved public works project.

1.3 Purpose

The BOARD and the Contractor have entered into this Contract to undertake a local public works project that furthers the goals and objectives of the Washington State Public Works Program. The project will be undertaken by the Contractor and will include the activities described in the **SCOPE OF WORK** shown on the Declarations page. The project must be undertaken in accordance with the loan terms and conditions, and all applicable federal, state and local laws and ordinances, which are incorporated by reference.

1.4 Order of Precedence

In the event of an inconsistency in this Contract, the inconsistency shall be resolved by giving precedence in the following order:

- A. Applicable federal and state of Washington statutes and regulations.
- B. Special Terms and Conditions including attachments.
- C. General Terms and Conditions.

1.5 5- year deferral for start-up systems

If the project financed by this Contract is to develop a system to deliver previously unavailable services, and revenue from those services is to repay the loan, the new system is eligible for a deferral of loan payments for sixty (60) months after the Contract execution date. The Contractor may provide a written request to the BOARD requesting a 5-year deferral for an eligible system. The BOARD may approve the deferral request.

Interest accrues for the aforementioned sixty (60) months. The accrued interest only payment is due June 1 of the 6th year of the loan term. Interest and principal payments are due on June 1 of the 7th year of the loan term.

1.6 Competitive Bidding Requirements

The Contractor shall comply with the provisions of RCW 43.155.060 regarding competitive bidding requirements for projects assisted in whole or in part with money from the Public Works Program.

1.7 Default in Repayment

Loan repayments shall be made on the loan in accordance with Section 1.18 of this Contract. A payment not received within thirty (30) days of the due date shall be declared delinquent. Delinquent payments shall be assessed a monthly penalty beginning on the first (1st) day past the due date. The penalty will be assessed on the entire payment amount. The penalty will be one percent (1%) per month or twelve percent (12%) per annum. The same penalty terms shall apply at project completion if the repayment of loan funds in excess of eligible costs are not repaid at the time of the Project Completion Amendment is submitted, as provided for in Section 1.13.

The Contractor acknowledges and agrees to the BOARD's right, upon delinquency in the payment of any annual installment, to notify any other entity, creditors, or potential creditors of the Contractor of such delinquency.

The Contractor shall be responsible for all legal fees incurred by the BOARD in any action undertaken to enforce its rights under this section.

1.8 Investment Grade Audit

For projects involving repair, replacement, or improvement of a wastewater treatment plant, or other public works facility for which an investment grade audit is obtainable, Contractor must undertake an investment grade audit.

Costs incurred as part of the investment grade audit are eligible project costs.

1.9 Sub-Contractor Data Collection

Contractor will submit reports, in a form and format to be provided by the BOARD and at intervals as agreed by the parties, regarding work under this Contract performed by sub-contractors and the portion of the Contract funds expended for work performed by sub-contractors, including but not necessarily limited to minority-owned, women-owned, and veteran-owned business sub-contractors. "Sub-Contractors" shall mean sub-contractors of any tier.

1.10 Eligible Project Costs

The Eligible project costs must consist of expenditures eligible under Washington Administrative Code (WAC) 399-30-030 and be related only to project activities described in the declared **SCOPE OF WORK**.

Eligible costs for reimbursement shall be construed to mean expenditures incurred and paid, or incurred and payable within thirty (30) days of the reimbursement request. Only costs that have been incurred on or after **LOAN REIMBURSEMENT START DATE** shown in the Declarations are eligible for reimbursement under this Contract. Eligible costs will be paid according to an approved budget up to the maximum amount stated on the Contract Award or Amendment Face Sheet.

The Contractor assures compliance with WAC 399-30-030, which identifies eligible costs for projects assisted with Public Works Board loans.

These terms supersede the terms in Section 2.2. Allowable Costs.

1.11 Historical and Cultural Resources

Prior to commencing construction, Contractor shall complete the requirements of Governor's Executive Order 21-02, or, as an alternative to completion of Governor's Executive Order 21-02, Contractor shall complete Section 106 of the National Historic Preservation Act, as applicable. Contractor agrees that the Contractor is legally and financially responsible for compliance with all laws, regulations, and agreements related to the preservation of historical or cultural resources and agrees to indemnify, defend and hold harmless the BOARD and the State of Washington in relation to any claim related to such historical or cultural resources discovered, disturbed, or damaged as a result of the project funded by this Contract.

In addition to the requirements set forth in this Contract, Contractor shall, in accordance with Governor's Executive Order 21-02, coordinate with the Washington State Department of Archaeology and Historic Preservation (DAHP), including any recommended consultation with any affected tribe(s), during project design and prior to construction to determine the existence of any tribal cultural resources affected by the proposed project funded by this Contract. Contractor agrees to avoid, minimize, or mitigate impacts to cultural resource as a continuing pre-requisite to receipt of funds under this Contract.

The Contractor agrees that, unless the Contractor is proceeding under an approved historical and cultural monitoring plan or other memorandum of agreement, if historical or cultural resources are discovered during construction, the Contractor shall immediately stop work and notify the local historical preservation officer and the state's historic preservation officer at DAHP. If human remains are uncovered, the Contractor shall report the presence and location of the remains to the coroner and local enforcement immediately, then contact DAHP and the concerned tribe's cultural staff or committee.

The Contractor shall require this provision to be contained in all sub-contracts for work or services related to the declared **SCOPE OF WORK**.

In addition to the requirements set forth in this Contract, Contractor agrees to comply with RCW 27.44.040 regarding Indian Graves and Records; RCW 27.53 regarding Archaeological Sites and Resources; RCW 68.60 regarding Abandoned and Historic Cemeteries and Historic Graves; and, WAC 25-48 regarding Archaeological Excavation and Removal Permits.

Completion of the Section 106 of the National Historic Preservation Act shall substitute for completion of Governor's Executive Order 21-02.

In the event that the Contractor finds it necessary to amend the **SCOPE OF WORK**, the Contractor may be required to re-comply with Governor's Executive Order 21-02 or Section 106 of the National Historic Preservation Act.

1.12 Performance Incentives

The Contractor shall complete the project no later than sixty (60) months after the date of Contract execution.

Should the Contractor submit the Certified Project Completion Report within forty-eight (48) months of the date of Contract execution, the Contractor may choose one of the two following incentives upon project completion:

- Option A: The repayment period will be increased by twenty-four (24) months, not to exceed the life of the asset, OR:
- Option B: The interest rate will be decreased by one-quarter of one percent (0.25%).

Should the Contractor submit the Certified Project Completion Report within thirty-six (36) months of the date of Contract execution, the Contractor may choose one of the following two incentives upon project completion:

- Option C: The repayment period will be increased by sixty (60) months, not to exceed the life of the asset, OR;
- Option D: The interest rate will be decreased by up to one-half of one percent (0.50%).

Once an option is selected, the Contract shall be modified to note the appropriate change and no further adjustment to the Contract for Performance Incentives shall be authorized. Irrespective of the performance incentive chosen, at no point in time shall the minimum loan interest rate be less than 0.25%.

The calculation of interest rate and term adjustments will apply to the remaining payments beginning from the date the Project Completion report is certified.

1.13 Project Completion Amendment and Certified Project Completion Report

The Contractor shall complete a Certified Project Completion Report when all activities identified in the **SCOPE OF WORK** are complete. The BOARD will supply the Contractor with the Certified Project Completion Report form, which shall include:

- A. A certified statement that the project, as described in the declared **SCOPE OF WORK**, is complete and, if applicable, meets required standards.
- B. A certified statement of the actual dollar amounts spent, from all funding sources, in completing the project as described in the **SCOPE OF WORK**.
- C. Certification that all costs associated with the project have been incurred and have been accounted for. Costs are incurred when goods and services are received and/or Contract work is performed.
- D. A final voucher for the remaining eligible funds.
- E. Pictures of Completed Project.

The Contractor will submit the Certified Project Completion Report together with the last Invoice Voucher for a sum not to exceed the balance of the loan amount. The final Invoice Voucher payment shall not occur prior to the completion of all project activities identified in the **SCOPE OF WORK** and the BOARD's receipt and acceptance of the Certified Project Completion Report.

The Project Completion Amendment shall serve as an amendment to this Contract determining the final loan amount, local share, term, and interest rate.

1.14 Project Signs

If the Contractor displays, during the period covered by this Contract, signs or markers identifying those agencies participating financially in the approved project, the sign or marker must identify the Washington State Public Works Board as a participant in the project.

1.15 Rate Loan Forgiveness and Term of Loan

The BOARD shall loan the Contractor a sum not to exceed the **LOAN AMOUNT** shown on the Contract Face Sheet and declared on the Contract Declarations Page. The interest rate shall be the declared **INTEREST RATE** per annum on the outstanding principal balance. The amount of loan forgiveness (if applicable) shall be as stated on the attached Declarations Page, and identified therein as LOAN FORGIVENESS %. The length of the loan shall not exceed the declared **LOAN TERM** in years, with the final payment due by the **CONTRACT END DATE** as shown on the Contract Face Sheet.

The loan forgiveness shall be applied at project completion and shall apply to the lesser of the loan amount or the actual eligible costs and that declared percent on any accrued interest. The percent of loan forgiveness and interest rate shall not be changed, regardless of the actual cost of the project and the Affordability Index at project completion.

1.16 Recapture

The right of recapture under Section 2.31. Recapture shall exist for a period not to exceed six (6) years following Contract termination. In the event that the Board is required to institute legal proceedings to enforce the recapture provision, the BOARD shall be entitled to its costs, including attorney's fees.

1.17 Reimbursement Procedures and Payment

If funding or appropriation is not available at the time the invoice is submitted, or when this Contract is executed, the issuance of warrants will be delayed or suspended until such time as funds or appropriation become available. Therefore, subject to the availability of funds, warrants shall be issued to the Contractor for reimbursement of allowable expenses incurred by the Contractor while undertaking and administering approved project activities in accordance with the declared **SCOPE OF WORK**.

The BOARD shall reimburse the Contractor for eligible project expenditures up to the maximum loan amount under this Contract, as identified in Section 1.10. When requesting reimbursement for costs incurred, the Contractor shall submit all Invoice Vouchers and any required documentation electronically through the Department of Commerce's (COMMERCE) Contracts Management System (CMS), which is available through the Secure Access Washington (SAW) portal; referencing the **SCOPE OF WORK** project activity performed, and any appropriate documentation such as bills, invoices, and receipts. If the Contractor has constraints preventing access to COMMERCE's online A-19 portal, a hard copy A-19 form may be provided by the BOARD Project Manager upon request.

Requests for reimbursements for costs related to **construction** activities will not be accepted until the Contractor provides:

- Proof of compliance with Governor's Executive Order 21-02 or Section 106 of the National Historic Preservation Act, as described in Section 1.11, and
- Signed Public Works Board Notice of Contract Award and Notice to Proceed, which follows the formal award of a construction contract.

The BOARD will pay the Contractor upon acceptance of the work performed and receipt of properly completed invoices. Invoices shall be submitted to the BOARD not more often than monthly.

Payment shall be considered timely if made by the BOARD within thirty (30) calendar days after receipt of properly completed invoices. Payment shall be sent to the address designated by the Contractor.

The BOARD may, at its sole discretion, terminate the Contract or withhold payments claimed by the Contractor for services rendered if the Contractor fails to satisfactorily comply with any term or condition of this Contract.

No payments in advance or in anticipation of services or supplies to be provided under this Contract shall be made by the BOARD.

BOARD shall not release the final five (5) percent of the total grant amount until acceptance by BOARD of project completion report.

Duplication of Billed Costs. If the Contractor is entitled to payment or has been or will be paid by another source for an eligible project cost, then the Contractor shall not be reimbursed by the BOARD for that cost.

Disallowed Costs. The Contractor is responsible for any audit exceptions or disallowed costs incurred by its own organization or that of its subcontractors.

In no event shall the total Public Works loan exceed 100% of the eligible actual project costs. At the time of project completion, the Contractor shall submit to the BOARD a Project Completion Amendment certifying the total actual project costs and local share. The final Public Works loan disbursement shall bring the total loan to the lesser of 100% of the eligible project costs or the total declared **LOAN AMOUNT**. The Project Completion Amendment shall serve as an amendment to this Contract determining the final loan amount, local share, and interest rate.

In the event that the final costs identified in the Project Completion Amendment indicate that the Contractor has received Public Works Board monies in excess of 100.00% of eligible costs, all funds in excess of 100.00% shall be repaid to the Board by payment to the Department of Commerce, or its successor, together with the submission of the Project Completion Amendment.

1.18 Repayment

Loan repayment installments are due on the day and month identified under the term: **PAYMENT MONTH** on the Declarations Page. Payments are due each year during the term of the loan beginning one year from the date of Contract execution. Interest only will be charged for this payment if a warrant is issued prior to this date. All subsequent payments shall consist of principal and accrued interest due on the specified **PAYMENT MONTH** date of each year during the remaining term of the loan.

Repayment of the loan under this Contract shall include the declared **INTEREST RATE** per annum based on a three hundred and sixty (360) day year of twelve (12) thirty (30) day months. Interest will begin to accrue from the date each warrant is issued to the Contractor. The final payment shall be on or before the **CONTRACT END DATE** shown on the Declarations page, of an amount sufficient to bring the loan balance to zero.

In the event that the BOARD approves the Contractor's request for a deferral as outlined in Section 1.5, then the first loan repayment is due sixty (60) months after Contract execution. Interest accrues for the sixty (60) months after Contract execution. The accrued interest only will be charged for this payment if a warrant is issued prior to this date. Interest and principal payments are due on the declared **PAYMENT MONTH** date of each year during the remaining term of the loan. The Contractor has the right to repay the unpaid balance of the loan in full at any time or make accelerated payments without penalty.

The Contractor will repay the loan in accordance with the preceding conditions through the use of a check, money order, or equivalent means made payable to the Washington State Department of Commerce, or its successor.

1.19 Reports

The Contractor shall furnish the BOARD with:

- A. Project Status Reports with each Invoice Voucher;
- B. Project Quarterly Reports (if no funds have been reimbursed in the quarter) and/or Quarterly Expenditures Report;
- C. Quarterly Projection Invoice Reports;
- D. Certified Project Completion Report at project completion (as described in Section 1.13);
- E. Pictures of various stages of the project, and
- F. Other reports as the BOARD may require.

1.20 Termination for Cause

If the Contractor fails to comply with the terms of this Contract, or fails to use the loan proceeds only for those activities identified in the **SCOPE OF WORK**, the BOARD may terminate the Contract in whole or in part at any time. The BOARD shall notify the Contractor in writing of its determination to terminate, the reason for such termination, and the effective date of the termination. Nothing in this section shall affect the Contractor's obligation to repay the unpaid balance of the loan.

These terms supersede the terms in Section 2.40 Termination for Cause.

1.21 Termination for Convenience

The BOARD may terminate this Contract in the event that state funds are no longer available to the BOARD, or are not appropriated for the purpose of meeting the BOARD's obligations under this Contract. Termination will be effective when the BOARD sends written notice of termination to the Contractor. Nothing in this section shall affect the Contractor's obligation to repay the unpaid balance of the loan.

These terms supersede the terms in Section 2.41 Termination for Convenience.

1.22 Time of Performance

No later than sixty (60) months after the date of Contract execution the Contractor must reach project completion.

Failure to meet Time of Performance shall constitute default of this Contract. In the event of extenuating circumstances, the Contractor may request, in writing, that the BOARD extend the deadline for project completion. The BOARD may extend the deadline.

The term of this Contract shall be for the entire term of the loan, regardless of actual project completion, unless terminated sooner as provided herein.

1.23 Contract Suspension

In the event that the Washington State Legislature fails to pass and the Governor does not authorize a Capital Budget by June 30 of each biennium, the Washington State Constitution Article 8 and RCW 43.88.130 and RCW 43.88.290 prohibit expenditures or commitments of state funds in the absence of appropriation.

In such event, all work under this Contract will be suspended effective July 1. The Contractor shall immediately suspend work under this Contract and take all reasonable steps necessary to minimize the cost of performance directly attributable to such suspension until the suspension is cancelled.

THE BOARD shall notify the Contractor immediately upon lifting of the Contract suspension.

1.24 Special Conditions

If SPECIAL CONDITIONS are listed on the Contract Declarations Page then these conditions are herein incorporated as part of the terms and requirements of this Contract.

1.25 Loan Security

Loan Security payments shall be made as stated on the attached Declarations Page, and identified therein as LOAN SECURITY.



Part 2. GENERAL TERMS AND CONDITIONS

2.1 DEFINITIONS

As used throughout this Contract, the following terms shall have the meaning set forth below:

- A. "Authorized Representative" shall mean the Public Works Board Chair and/or the designee authorized in writing to act on the Chair's behalf.
- B. "COMMERCE" shall mean the Department of Commerce.
- C. "Contractor" shall mean the entity identified on the face sheet performing service(s) under this Contract, and shall include all employees and agents of the Contractor.
- D. "BOARD" shall mean the Washington State Public Works Board created in Revised Code of Washington (RCW) 43.155.030, and which is a Party to the Contract
- E. "Personal Information" shall mean information identifiable to any person, including, but not limited to, information that relates to a person's name, health, finances, education, business, use or receipt of governmental services or other activities, addresses, telephone numbers, social security numbers, driver license numbers, other identifying numbers, and any financial identifiers.
- F. "State" shall mean the state of Washington.
- G. "Subcontractor" shall mean one not in the employment of the Contractor, who is performing all or part of those services under this Contract under a separate contract with the Contractor. The terms "subcontractor" and "subcontractors" mean subcontractor(s) in any tier.

2.2 Allowable Costs

Costs allowable under this Contract are actual expenditures according to an approved budget up to the maximum amount stated on the Contract Award or Amendment Face Sheet.

2.3 ALL WRITINGS CONTAINED HEREIN

This Contract contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Contract shall be deemed to exist or to bind any of the parties hereto.

2.4 AMENDMENTS

This Contract may be amended by mutual agreement of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.

2.5 AMERICANS WITH DISABILITIES ACT (ADA) OF 1990, PUBLIC LAW 101-336, also referred to as the "ADA" 28 CFR Part 35

The Contractor must comply with the ADA, which provides comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications.

2.6 APPROVAL

This contract shall be subject to the written approval of the Board's Authorized Representative and shall not be binding until so approved. The contract may be altered, amended, or waived only by a written amendment executed by both parties.

2.7 ASSIGNMENT

Neither this Contract, nor any claim arising under this Contract, shall be transferred or assigned by the Contractor without prior written consent of the Board.

2.8 ATTORNEYS' FEES

Unless expressly permitted under another provision of the Contract, in the event of litigation or other action brought to enforce Contract terms, each party agrees to bear its own attorney's fees and costs.

2.09 CODE REQUIREMENTS

All construction and rehabilitation projects must satisfy the requirements of applicable local, state, and federal building, mechanical, plumbing, fire, energy and barrier-free codes. Compliance with the Americans with Disabilities Act of 1990 28 C.F.R. Part 35 will be required, as specified by the local building Department.

2.10 CONFIDENTIALITY/SAFEGUARDING OF INFORMATION

A. "Confidential Information" as used in this section includes:

1. All material provided to the Contractor by the Board that is designated as "confidential" by the Board;
2. All material produced by the Contractor that is designated as "confidential" by the Board; and
3. All personal information in the possession of the Contractor that may not be disclosed under state or federal law. "Personal information" includes but is not limited to information related to a person's name, health, finances, education, business, use of government services, addresses, telephone numbers, social security number, driver's license number and other identifying numbers, and "Protected Health Information" under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).

B. The Contractor shall comply with all state and federal laws related to the use, sharing, transfer, sale, or disclosure of Confidential Information. The Contractor shall use Confidential Information solely for the purposes of this Contract and shall not use, share, transfer, sell or disclose any Confidential Information to any third party except with the prior written consent of the Board or as may be required by law. The Contractor shall take all necessary steps to assure that Confidential Information is safeguarded to prevent unauthorized use, sharing, transfer, sale or disclosure of Confidential Information or violation of any state or federal laws related thereto. Upon request, the Contractor shall provide the Board with its policies and procedures on confidentiality. The Board may require changes to such policies and procedures as they apply to this Contract whenever the Board reasonably determines that changes are necessary to prevent unauthorized disclosures. The Contractor shall make the changes within the time period specified by the Board. Upon request, the Contractor shall immediately return to the Board any Confidential Information that the Board reasonably determines has not been adequately protected by the Contractor against unauthorized disclosure.

C. Unauthorized Use or Disclosure. The Contractor shall notify the Board within five (5) working days of any unauthorized use or disclosure of any confidential information, and shall take necessary steps to mitigate the harmful effects of such use or disclosure.

2.11 CONFORMANCE

If any provision of this contract violates any statute or rule of law of the state of Washington, it is considered modified to conform to that statute or rule of law.

2.12 CONFLICT OF INTEREST

Notwithstanding any determination by the Executive Ethics Board or other tribunal, the BOARD may, in its sole discretion, by written notice to the CONTRACTOR terminate this contract if it is found after due notice and examination by the BOARD that there is a violation of the Ethics in Public Service Act, Chapters 42.52 RCW and 42.23 RCW; or any similar statute involving the CONTRACTOR in the procurement of, or performance under this contract.

Specific restrictions apply to contracting with current or former state employees pursuant to chapter 42.52 of the Revised Code of Washington. The CONTRACTOR and their subcontractor(s) must identify any person employed in any capacity by the state of Washington that worked on the PUBLIC WORKS BOARD including but not limited to formulating or drafting the legislation, participating in loan procurement planning and execution, awarding loans, and monitoring loans, during the 24 month period preceding the start date of this Loan. Identify the individual by name, the agency previously or currently employed by, job title or position held, and separation date. If it is determined by BOARD that a conflict of interest exists, the CONTRACTOR may be disqualified from further consideration for the award of a Loan.

In the event this contract is terminated as provided above, BOARD shall be entitled to pursue the same remedies against the CONTRACTOR as it could pursue in the event of a breach of the contract by the CONTRACTOR. The rights and remedies of BOARD provided for in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law. The existence of facts upon which BOARD makes any determination under this clause shall be an issue and may be reviewed as provided in the "Disputes" clause of this contract.

2.13 COPYRIGHT PROVISIONS

Unless otherwise provided, all Materials produced under this Contract shall be considered "works for hire" as defined by the U.S. Copyright Act and shall be owned by the Board. The Board shall be considered the author of such Materials. In the event the Materials are not considered "works for hire" under the U.S. Copyright laws, the Contractor hereby irrevocably assigns all right, title, and interest in all Materials, including all intellectual property rights, moral rights, and rights of publicity to the Board effective from the moment of creation of such Materials.

"Materials" means all items in any format and includes, but is not limited to, data, reports, documents, pamphlets, advertisements, books, magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. "Ownership" includes the right to copyright, patent, register and the ability to transfer these rights.

For Materials that are delivered under the Contract, but that incorporate pre-existing materials not produced under the Contract, the Contractor hereby grants to the Board a nonexclusive, royalty-free, irrevocable license (with rights to sublicense to others) in such Materials to translate, reproduce, distribute, prepare derivative works, publicly perform, and publicly display. The Contractor warrants and represents that the Contractor has all rights and permissions, including intellectual property rights, moral rights and rights of publicity, necessary to grant such a license to the Board.

The Contractor shall exert all reasonable effort to advise the Board, at the time of delivery of Materials furnished under this Contract, of all known or potential invasions of privacy contained therein and of any portion of such document which was not produced in the performance of this Contract. The Contractor shall provide the Board with prompt written notice of each notice or claim of infringement received by the Contractor with respect to any Materials delivered under this Contract. The Board shall have the right to modify or remove any restrictive markings placed upon the Materials by the Contractor.

2.14 DISALLOWED COSTS

The Contractor is responsible for any audit exceptions or disallowed costs incurred by its own organization or that of its Subcontractors.

2.15 DISPUTES

Except as otherwise provided in this Contract, when a dispute arises between the parties and it cannot be resolved by direct negotiation, either party may request a dispute hearing with the Chair of the Board, who may designate a neutral person to decide the dispute.

The request for a dispute hearing must:

- be in writing;
- state the disputed issues;
- state the relative positions of the parties;
- state the Contractor's name, address, and Contract number; and
- be mailed to the Chair and the other party's (respondent's) Representative within three (3) working days after the parties agree that they cannot resolve the dispute.

The respondent shall send a written answer to the requestor's statement to both the Chair or the Chair's designee and the requestor within five (5) working days.

The Chair or designee shall review the written statements and reply in writing to both parties within ten (10) working days. The Chair or designee may extend this period if necessary by notifying the parties.

The decision shall not be admissible in any succeeding judicial or quasi-judicial proceeding.

The parties agree that this dispute process shall precede any action in a judicial or quasi-judicial tribunal.

Nothing in this Contract shall be construed to limit the parties' choice of a mutually acceptable alternate dispute resolution (ADR) method in addition to the dispute hearing procedure outlined above.

2.16 DUPLICATE PAYMENT

The Contractor certifies that work to be performed under this contract does not duplicate any work to be charged against any other contract, subcontract, or other source.

2.17 GOVERNING LAW AND VENUE

This Contract shall be construed and interpreted in accordance with the laws of the state of Washington, and the venue of any action brought hereunder shall be in the Superior Court for Thurston County.

2.18 INDEMNIFICATION

To the fullest extent permitted by law, the Contractor shall indemnify, defend, and hold harmless the state of Washington, BOARD, agencies of the state and all officials, agents and employees of the state, for, from and against all claims for injuries or death arising out of or resulting from the performance of the contract. "Claim" as used in this contract, means any financial loss, claim, suit, action, damage, or expense, including but not limited to attorney's fees, attributable for bodily injury, sickness, disease, or death, or injury to or the destruction of tangible property including loss of use resulting therefrom. The Contractor's obligation to indemnify, defend, and hold harmless shall not be eliminated by any actual or alleged concurrent negligence of the state or its agents, agencies, employees and officers.

The Contractor expressly agrees to indemnify, defend, and hold harmless the State for any claim arising out of or incident to the Contractor's or any subcontractor's performance or failure to perform the contract. Contractor's obligation to indemnify, defend, and hold harmless the State shall not be eliminated or reduced by any actual or alleged concurrent negligence of State or its agents, agencies, employees and officials.

The Contractor waives its immunity under Title 51 RCW to the extent it is required to indemnify, defend and hold harmless the state and its agencies, officers, agents or employees.

2.19 INDEPENDENT CAPACITY OF THE CONTRACTOR

The parties intend that an independent contractor relationship will be created by this Contract. The Contractor and its employees or agents performing under this Contract are not employees or agents of the state of Washington or the Board. The Contractor will not hold itself out as or claim to be an officer or employee of the Board or of the state of Washington by reason hereof, nor will the Contractor make any claim of right, privilege or benefit which would accrue to such officer or employee under law. Conduct and control of the work will be solely with the Contractor.

2.20 INDUSTRIAL INSURANCE COVERAGE

The Contractor shall comply with all applicable provisions of Title 51 RCW, Industrial Insurance. If the Contractor fails to provide industrial insurance coverage or fails to pay premiums or penalties on behalf of its employees as may be required by law, the Board may collect from the Contractor the full amount payable to the Industrial Insurance Accident Fund. The Board may deduct the amount owed by the Contractor to the accident fund from the amount payable to the Contractor by the Board under this Contract, and transmit the deducted amount to the Department of Labor and Industries, (L&I) Division of Insurance Services. This provision does not waive any of L&I's rights to collect from the Contractor.

2.21 LAWS

The Contractor shall comply with all applicable laws, ordinances, codes, regulations and policies of local and state and federal governments, as now or hereafter amended.

2.22 LICENSING, ACCREDITATION AND REGISTRATION

The Contractor shall comply with all applicable local, state, and federal licensing, accreditation and registration requirements or standards necessary for the performance of this Contract.

2.23 LIMITATION OF AUTHORITY

Only the Authorized Representative or Authorized Representative's designee by writing (designation to be made prior to action) shall have the express, implied, or apparent authority to alter, amend, modify, or waive any clause or condition of this Contract.

2.24 Local Public Transportation Coordination

Where applicable, Contractor shall participate in local public transportation forums and implement strategies designed to ensure access to services.

2.25 NONCOMPLIANCE WITH NONDISCRIMINATION LAWS

During the performance of this Contract, the Contractor shall comply with all federal, state, and local nondiscrimination laws, regulations and policies. In the event of the Contractor's non-compliance or refusal to comply with any nondiscrimination law, regulation or policy, this contract may be rescinded, canceled or terminated in whole or in part, and the Contractor may be declared ineligible for further contracts with the Board. The Contractor shall, however, be given a reasonable time in which to cure this noncompliance. Any dispute may be resolved in accordance with the "Disputes" procedure set forth herein.

2.26 PAY EQUITY

The Contractor agrees to ensure that "similarly employed" individuals in its workforce are compensated as equals, consistent with the following:

- A. Employees are “similarly employed” if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;
- B. Contractor may allow differentials in compensation for its workers if the differentials are based in good faith and on any of the following:
 - 1. A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.
 - 2. A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.
 - 3. A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

This Contract may be terminated by the BOARD, if the BOARD or the Department of Enterprise Services determines that the Contractor is not in compliance with this provision.

2.27 POLITICAL ACTIVITIES

Political activity of Contractor employees and officers are limited by the State Campaign Finances and Lobbying provisions of Chapter 42.17 RCW and the Federal Hatch Act, 5 USC 1501 - 1508.

No funds may be used for working for or against ballot measures or for or against the candidacy of any person for public office.

2.28 PREVAILING WAGE LAW

The Contractor certifies that all contractors and subcontractors performing work on the Project shall comply with state Prevailing Wages on Public Works, Chapter 39.12 RCW, as applicable to the Project funded by this contract, including but not limited to the filing of the “Statement of Intent to Pay Prevailing Wages” and “Affidavit of Wages Paid” as required by RCW 39.12.040. The Contractor shall maintain records sufficient to evidence compliance with Chapter 39.12 RCW, and shall make such records available for the Board’s review upon request.

2.29 PROHIBITION AGAINST PAYMENT OF BONUS OR COMMISSION

The funds provided under this Contract shall not be used in payment of any bonus or commission for the purpose of obtaining approval of the application for such funds or any other approval or concurrence under this Contract provided, however, that reasonable fees or bona fide technical consultant, managerial, or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as project costs.

2.30 PUBLICITY

The Contractor agrees not to publish or use any advertising or publicity materials in which the state of Washington or the Board’s name is mentioned, or language used from which the connection with the state of Washington’s or the Board’s name may reasonably be inferred or implied, without the prior written consent of the Board.

2.31 RECAPTURE

In the event that the Contractor fails to perform this contract in accordance with state laws, federal laws, and/or the provisions of this contract, the Board reserves the right to recapture funds in an amount to compensate the Board for the noncompliance in addition to any other remedies available at law or in equity.

Repayment by the Contractor of funds under this recapture provision shall occur within the time period specified by the Board. In the alternative, the Board may recapture such funds from payments due under this contract.

2.32 RECORDS MAINTENANCE

The Contractor shall maintain all books, records, documents, data and other evidence relating to this Contract and performance of the services described herein, including but not limited to accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Contract. Contractor shall retain such records for a period of six years following the date of final payment.

If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been finally resolved.

2.33 REGISTRATION WITH DEPARTMENT OF REVENUE

If required by law, the Contractor shall complete registration with the Washington State Department of Revenue.

2.34 RIGHT OF INSPECTION

At no additional cost all records relating to the Contractor's performance under this Contract shall be subject at all reasonable times to inspection, review, and audit by the Board, the Office of the State Auditor, and federal and state officials so authorized by law, in order to monitor and evaluate performance, compliance, and quality assurance under this Contract. The Contractor shall provide access to its facilities for this purpose.

2.35 SAVINGS

In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Contract and prior to normal completion, the Board may terminate the Contract under the "Termination for Convenience" clause, without the ten business day notice requirement. In lieu of termination, the Contract may be amended to reflect the new funding limitations and conditions.

2.36 SEVERABILITY

If any provision of this Contract or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Contract that can be given effect without the invalid provision, if such remainder conforms to the requirements of law and the fundamental purpose of this Contract and to this end the provisions of this Contract are declared to be severable.

2.37 SUBCONTRACTING

The Contractor may only subcontract work contemplated under this Contract if it obtains the prior written approval of the Board.

If the Board approves subcontracting, the Contractor shall maintain written procedures related to subcontracting, as well as copies of all subcontracts and records related to subcontracts. For cause, the Board in writing may: (a) require the Contractor to amend its subcontracting procedures as they relate to this Contract; (b) prohibit the Contractor from subcontracting with a particular person or entity; or (c) require the Contractor to rescind or amend a subcontract.

Every subcontract shall bind the Subcontractor to follow all applicable terms of this Contract. The Contractor is responsible to the Board if the Subcontractor fails to comply with any applicable term or condition of this Contract. The Contractor shall appropriately monitor the activities of the Subcontractor to assure fiscal

conditions of this Contract. In no event shall the existence of a subcontract operate to release or reduce the liability of the Contractor to the Board for any breach in the performance of the Contractor's duties.

Every subcontract shall include a term that the Board and the State of Washington are not liable for claims or damages arising from a Subcontractor's performance of the subcontract.

2.38 SURVIVAL

The terms, conditions, and warranties contained in this Contract that by their sense and context are intended to survive the completion of the performance, cancellation or termination of this Contract shall so survive.

2.39 TAXES

All payments accrued on account of payroll taxes, unemployment contributions, the Contractor's income or gross receipts, any other taxes, insurance or expenses for the Contractor or its staff shall be the sole responsibility of the Contractor.

2.40 TERMINATION FOR CAUSE

In the event BOARD determines the Contractor has failed to comply with the conditions of this contract in a timely manner, BOARD has the right to suspend or terminate this contract. Before suspending or terminating the contract, BOARD shall notify the Contractor in writing of the need to take corrective action. If corrective action is not taken within 30 calendar days, the contract may be terminated or suspended.

In the event of termination or suspension, the Contractor shall be liable for damages as authorized by law.

BOARD reserves the right to suspend all or part of the contract, withhold further payments, or prohibit the Contractor from incurring additional obligations of funds during investigation of the alleged compliance breach and pending corrective action by the Contractor or a decision by BOARD to terminate the contract. A termination shall be deemed a "Termination for Convenience" if it is determined that the Contractor: (1) was not in default; or (2) failure to perform was outside of his or her control, fault or negligence.

The rights and remedies of BOARD provided in this contract are not exclusive and are, in addition to any other rights and remedies, provided by law.

2.41 TERMINATION FOR CONVENIENCE

Except as otherwise provided in this Contract the Board may, by ten (10) business days written notice, beginning on the second day after the mailing, terminate this Contract, in whole or in part. If this Contract is so terminated, the Board shall be liable only for payment required under the terms of this Contract for services rendered or goods delivered prior to the effective date of termination.

2.42 TERMINATION PROCEDURES

Upon termination of this contract, BOARD, in addition to any other rights provided in this contract.

The rights and remedies of BOARD provided in this section shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

After receipt of a notice of termination, and except as otherwise directed by the Authorized Representative, the Contractor shall:

- A.** Stop work under the Contract on the date, and to the extent specified, in the notice;
- B.** Place no further orders or subcontracts for materials, services, or facilities except as may be necessary for completion of such portion of the work under the contract that is not terminated;

- C. Assign to the BOARD, in the manner, at the times, and to the extent directed by the Authorized Representative, all of the rights, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case the BOARD has the right, at its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;
- D. Settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, with the approval or ratification of the Authorized Representative to the extent the Authorized Representative may require, which approval or ratification shall be final for all the purposes of this clause;
- E. Transfer title to the BOARD and deliver in the manner, at the times, and to the extent directed by the Authorized Representative any property which, if the contract had been completed, would have been required to be furnished to the BOARD;
- F. Complete performance of such part of the work as shall not have been terminated by the Authorized Representative; and
- G. Take such action as may be necessary, or as the Authorized Representative may direct, for the protection and preservation of the property related to this contract, which is in the possession of the Contractor and in which the BOARD has or may acquire an interest.

2.43 TREATMENT OF ASSETS

Title to all property furnished by BOARD shall remain in BOARD. Title to all property furnished by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Contractor.

2.44 WAIVER

Waiver of any default or breach shall not be deemed to be a waiver of any subsequent default or breach. Any waiver shall not be construed to be a modification of the terms of this Contract unless stated to be such in writing and signed by Authorized Representative of the Board.

ATTACHMENT I: ATTORNEY'S CERTIFICATION

PUBLIC WORKS BOARD CONSTRUCTION LOAN PROGRAM

City of Bothell
PCPC23-96103-113

I, _____, hereby certify:

I am an attorney at law admitted to practice in the State of Washington and the duly appointed attorney of the **City of Bothell** (the Contractor); and

I have also examined any and all documents and records which are pertinent to the Contract, including the application requesting this financial assistance.

Based on the foregoing, it is my opinion that:

1. The Contractor is a public body, properly constituted and operating under the laws of the state of Washington, empowered to receive and expend federal, state and local funds, to contract with the state of Washington, and to receive and expend the funds involved to accomplish the objectives set forth in their application.
2. The Contractor is empowered to accept the Public Works Board financial assistance and to provide for repayment of the loan as set forth in the Contract.
3. There is currently no litigation in existence seeking to enjoin the commencement or completion of the above-described public facilities project or to enjoin the Contractor from repaying the loan extended by the Public Works Board with respect to such project. The Contractor is not a party to litigation which will materially affect its ability to repay such loan on the terms contained in the Contract.
4. Assumption of this obligation would not exceed statutory and administrative rule debt limitations applicable to the Contractor.

Signature of Attorney

Date

Name

SW23 - 35th Ave SE Drainage Improvements

DESCRIPTION:

This project addresses an area-wide flooding issue along 35th Ave SE between Cole/Woods Creek and 240th St SE. Design will include a combination of a new fish-passage culvert for Cole/Woods Creek under 35th Ave SE and selected downstream conveyance improvements, such as culvert and pipe upgrades.

JUSTIFICATION:

Flooding occurred over multiple years at the creek crossing at 23600 block of 35th Ave SE and along 35th Ave SE corridor between 228th St SE and 240th St SE overflowing from the north down the ditch lines. Culverts and inlets are periodically clogged with debris and the culverts are undersized. During the December 3, 2007 storm, the ditch overtopped 35th Ave SE and flowed into Monte Villa Business Park. This ditch overflows almost every rain event and requires significant staff effort (10 overtime and regular hours at this location in 2019). A full buildout analysis of the basin determined changes that needed to be made including a new culvert at the Cole/ Woods Creek crossing. Cole/Woods Creek currently exceeds the capacity of its culvert, splitting the flows and sending creek water south on 35th Ave NE, affecting the roadway capacity. The design calls for water to flow to its natural discharge location so this portion of the project seeks to restore Cole/Woods Creek to its channel. In addition, a couple of restriction points in the 35th Ave SE and 240th St SE stormwater conveyance system will be upsized to reduce the future potential of flooding.

FUTURE MAINTENANCE AND OPERATING (M & O) COSTS:

This project will reduce the need for response due to flooding through the replacement of failed and aging infrastructure, increased pipe capacity, elimination of excessive erosion, and better stormwater catchment. Construction of these improvements will reduce cleaning, pipe repair, and the number of responses required during major rain events.

TIMING PRIORITY CONSIDERATIONS:

Fish passable culvert replacement where Cole/Woods Creek crosses under 35th Ave SE has been identified as a high-priority by the Washington Department of Fish and Wildlife. Planning and preliminary design of the Cole/Woods Creek culvert began in 2019.

PROJECT COMMENCEMENT REQUIREMENTS:

Agreements with adjacent property owners are necessary prior to construction of this project. The project is approved to commence when financing is secured and funding resources are appropriated in the City's budget.

PROJECT STOPPING POINT(S):

Project spending is not authorized in excess of adopted funding resources.

STATUS:

Basin analysis and design for replacement of the 236th St SE culvert were completed in 2018. Conceptual design for the Cole/Woods fish passable culvert is currently underway. Permitting and final design is scheduled for 2022 with construction scheduled to continue through 2025.

Dollars in Thousands (000)

ESTIMATED PROJECT COSTS	Projected Spending Thru 2022	Budgeted		Estimated					Estimated Spending 2023 - 2029	Total Estimated Project Costs Thru 2029
		2023	2024	2025	2026	2027	2028	2029		
Design	937	163							163	1,100
ROW Acquisition	438	133							133	571
Construction			1,350	1,731	91	94	97	101	3,464	3,464
TOTAL ESTIMATED COSTS	\$1,375	\$296	\$1,350	\$1,731	\$91	\$94	\$97	\$101	\$3,760	\$5,135

ESTIMATED PROJECT FUNDING	Projected Funding Thru 2022	Budgeted		Estimated					Estimated Funding 2023 - 2029	Total Estimated Project Funding Thru 2029
		2023	2024	2025	2026	2027	2028	2029		
SECURED FUNDING										
Grant Awarded (KC Flood Conservation)	515								0	515
Grant Pending (Federal)			1,000	1,000					2,000	2,000
Utilities - Storm & Surface Water	860	296	350	731	91	94	97	101	1,760	2,620
TOTAL SECURED FUNDING	\$1,375	\$296	\$1,350	\$1,731	\$91	\$94	\$97	\$101	\$3,760	\$5,135

PROJECT VARIANCES	Projected to 12/31/2022	Budgeted		Estimated					Project Variances 2023 - 2029	Total Project Funding Thru 2029
		2023	2024	2025	2026	2027	2028	2029		
Secured Funding	1,375	296	1,350	1,731	91	94	97	101	3,760	5,135
Estimated Project Cost	1,375	296	1,350	1,731	91	94	97	101	3,760	5,135
TOTAL PROJECT VARIANCES	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Dollars in Thousands (000)

PROJECT M&O IMPACT	Budgeted		Estimated					Total Project M&O Impact 2023 - 2029
	2023	2024	2025	2026	2027	2028	2029	
TOTAL FUTURE M&O COSTS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL FTE IMPACT	No Future M&O Impact							



City of Bothell™

**City Council
Agenda Bill**
AB # 23-080

TO: Mayor Thompson and Members of the Bothell City Council

FROM: Erin Leonhart, Public Works Director
Ryan Roberts, Supervising Capital Engineer, Public Works Dept. (Presenter)

DATE: June 6, 2023

SUBJECT: Approval of Supplemental No. 4 Professional Services Agreement with Tetra Tech for the 35th Ave SE Drainage Improvement Project

COUNCIL ACTION: This item asks City Council to consider approval of a supplemental agreement with Tetra Tech for the 35th Ave SE Drainage Improvement Project.

The City Council previously provided policy direction on this matter. If this item is approved, staff is implementing the direction given by the City Council.

HISTORY:	DATE	ACTION
	DECEMBER 6, 2016	City Council adopted 2017-23 Capital Facilities Plan
	NOVEMBER 13, 2018	City Council adopted 2019-25 Capital Facilities Plan
	SEPTEMBER 17, 2019	City Council approved Professional Service Agreement for the design of the 35th Ave SE Drainage Improvement Project in the amount of \$195,853
	MAY 5, 2020	City Manager approved Supplemental No. 1 with Tetra Tech in the amount of \$46,650
	NOVEMBER 17, 2020	City Council adopted 2021-2027 Capital Facilities Plan
	OCTOBER 4, 2022	City Council adopted 2023-2029 Capital Facilities Plan
	JANUARY 27, 2021	City Manager approved Supplemental No. 2 Time Extension with Tetra Tech
	NOVEMBER 16, 2021	City Council approved Supplemental No. 3 with Tetra Tech in the amount of \$489,350
	MAY 16, 2023	City Council received a presentation about the Public Works Trust Fund Loan in Study Session

Flooding occurred in 2007 along 35th Ave SE between 228th St SE and 240th St SE. This flooding resulted in overflowing roadway ditches and standing water at the intersection at 236th St SE and 240th St SE. The flooding overtopped 35th Ave SE and eventually flowed into the Monte Villa Business Park south of 240th St SE. A field investigation attributed the flooding to undersized culverts and inlets that were clogged with debris. Until adequate funding becomes available and the project is completed, maintenance measures will continue to have to be utilized to address subsequent rainy season flooding events, including clean-up after each event.

In 2007, a drainage study was performed to evaluate stormwater runoff and existing facilities north of the Monte Villa Business Park. The primary drainage facilities of concern are the Cole/Woods Creek culvert crossing at 35th Ave SE; the roadside ditches and culvert crossings that flow south of the creek along the east side of 35th Ave SE; and the existing pipes within 240th St SE that convey flow west of 35th Ave SE into North Creek. An environmental review was also performed as part of the study to determine potential stream and fish impacts.

The City entered into a Professional Services contract in 2019 to complete the design of a new fish-passage culvert for Cole/Woods Creek under 35th Ave SE and upgrading the existing culverts and pipe. The original contract was focused on developing alternative stream alignments and preliminary studies. Supplemental No. 1 was added in 2020 to include a broader area of wetland surveys for the project not included in the original contract. Once an alternative stream alignment was selected, Supplemental No. 3 was approved in 2021 to complete the design and permitting for the project.

During the course of final design, several adjustments were made that impacted right-of-way requirements, stream alignment, and the culvert crossing. The design is currently about 60 percent complete.

DISCUSSION: This project addresses an area-wide flooding issue along 35th Ave SE between Cole/Woods Creek and 240th St SE. Drainage improvements include the construction of a new fish-passage culvert for Cole/Woods Creek under 35th Ave SE and upgrading the existing pipe at 236th Street SE/ 35th Ave SE intersection.

This agreement will supplement the existing contract to provide the necessary, additional work including surveying and right-of-way mapping tasks, updating design reports, and completing the 30 percent roadway and landscape plans and cost estimate. Approval of this supplemental will allow the consultant to complete necessary revisions, finalize a 60 percent set of construction documents, and move forward in completing final design. It is estimated that design and permitting will be completed by July 2024.

The supplement amount was reviewed by staff and found to be reasonable based on the required level of effort.

FISCAL IMPACTS: The item is included in the Adopted 2023-2024 Budget, the budgeted value of \$1,646,000 is sufficient to fund this item.

ATTACHMENTS:

- Att-1. Vicinity Map
- Att-2. Supplemental No. 4 Professional Services Agreement
- Att-3. Adopted 2023-2029 CFP

RECOMMENDED ACTION: Authorize the City Manager to enter into a Supplemental Professional Services Agreement No. 4 with Tetra Tech, Inc. for the 35th Ave SE Drainage Improvement Project in the amount of \$110,899.



35th Ave SE Drainage Improvement Project

Legend

Rivers and Streams

- Open Stream
- - - Piped Stream



Wetlands



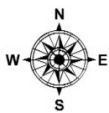
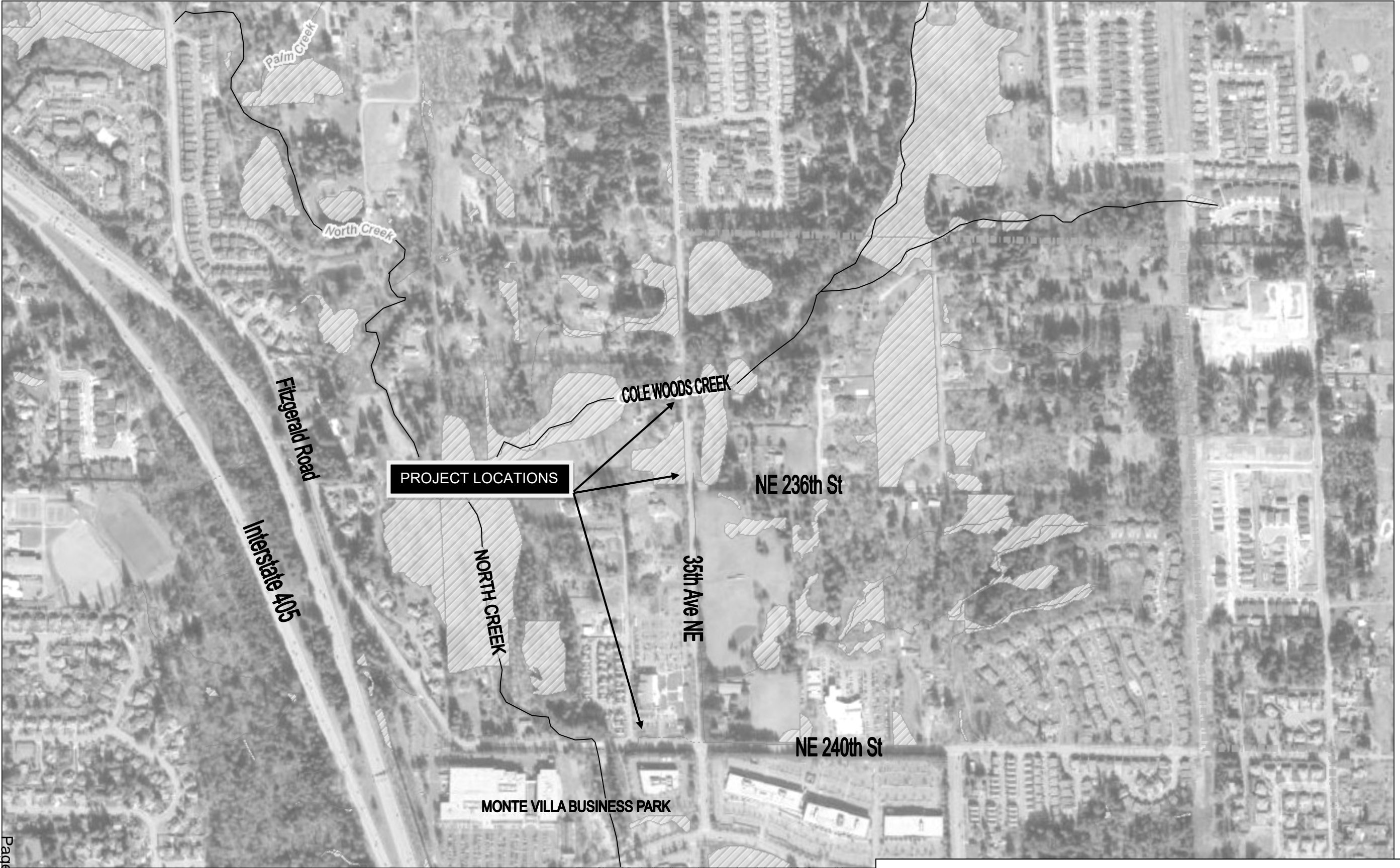
Bothell City Limits

2018-Mar Ortho (Bothell)

2015-Mar Ortho (Bothell)

World Topo Map (ESRI)

World Street Map (ESRI)



The City of Bothell delivers this data (map) in an AS-IS condition. GIS data (maps) are produced by the City of Bothell for internal purposes. No representation or guarantee is made concerning the accuracy, currency, or completeness of the information provided.

VICINITY MAP

CITY OF BOTHELL
SCOPE OF WORK
35TH AVENUE SOUTHEAST DRAINAGE IMPROVEMENT PROJECT
PHASE 2
AMENDMENT 4

PROJECT DESCRIPTION

The City of Bothell desires to complete Phase 2 of the drainage improvement project on 35th Avenue Southeast at Cole / Woods Creek. The following drainage improvements are included with the project:

- A fish passable replacement for the existing 18-inch culvert crossing 35th Ave SE on Cole/Woods Creek.
- Stream restoration on the property adjacent to the culvert.
- A replacement for the 18-inch culvert crossing 236th St SE at 35th Ave SE.
- A replacement for 18-inch storm pipes located on the south side of 240th St SE between 35th Ave SE and North Creek.
- Relocation of existing utilities within the project limits in conflict with the proposed improvements.
- Roadway improvements to support future plans to widen 35th Ave SE.
- Perform a complete survey for ditch reconstruction at 236th Ave to ensure flow to 240th Ave.

The objective of this Agreement is to provide professional services necessary to complete Phase 2 of this project based on the selected design alternative from Phase 1. The key tasks include project management, finalizing the hydrological/hydraulic analysis, completing final design and permitting requirements for Phase 2 work including replacement of the existing culvert conveying Cole / Woods Creek under 35th Avenue Southeast with a fish passable culvert meeting WDFW requirements, finalize the culvert replacement on 35th Avenue Southeast at 236th Street Southeast, and the storm drain replacement on the south side of 240th Street Southeast, and other items of work as described in the following scope. The CITY reserves the option to supplement this contract to complete additional work.

The Project had previously completed 30% design and has submitted for State and Federal Permits. Since the 30% design was completed, several changes have been identified by the team. The changes affect the Cole/Woods Creek culvert length and location at its crossing point at 35th Avenue, along with several design elements and the Right of Way and easement needs for the project. The project scope will be modified to address these additional needs for the project and are described below.

DURATION

The Phase 2 project budgeting and fee estimate are based upon an 18-month duration starting December 2021. This amendment will add an additional 6 months for a total of 24 months, with a new completion date of December 2024. This schedule is dependent upon timely approval of USACE permitting.

GENERAL ASSUMPTIONS

1. The CITY will obtain the necessary Right of Entry and will notify property owners prior to any field work.
2. All meetings will be conducted via on-line meetings unless otherwise noted.
3. The CONSULTANT shall provide all Title Reports for the two parcels required for Task 8.2.
4. The project area along Wood/Cole Creek is currently not mapped as a Special Flood Hazard Area by FEMA. This scope of work assumes a floodplain permit will not be required.
5. No separate compensatory mitigation will be required.
6. Coordination with Snohomish County will be managed by the CITY.
7. Private Utility Design will be Provided by Others.

SERVICES

1. PROJECT MANAGEMENT

This task includes administration of the contract between the CONSULTANT and the CITY, preparation of monthly progress reports, and quality control. The CONSULTANT shall perform administrative efforts needed to coordinate with the subconsultants and to complete the project on time and within budget. This task is modified to add scope for an additional six (6) months of project management and PM for the additional scope which follows in subsequent tasks. Subtasks will include the following:

- 1.2. Host and lead monthly team meetings to coordinate with the CITY via Microsoft Teams.
- 1.3. Conduct internal team member meetings to support project update reports for the CITY, and provide direction, coordination, and oversight to the project CONSULTANT team.
- 1.4. Provide subconsultant support.
 - Update subconsultant agreements (1).
 - Provide ongoing project management of subconsultant tasks.
- 1.5. Provide progress and invoicing reports to the CITY monthly.
 - Determine, monitor, and update the project schedule on a regular basis as part of the invoicing process.
 - Prepare monthly progress reports for inclusion with the invoice and invoice review (24 months). The monthly progress report will include a tabulation of percent of work completed and percent of budget expended.
- 1.6. Conduct Quality Control (QC) review of each deliverable specified in the below tasks. The review will be performed by a senior engineer or discipline lead who was not involved with the development of the given deliverable.
- 1.7. Provide Quality Assurance (QA) throughout the duration of the project, including the aforementioned staff check-ins, QC documentation and document control, and maintaining a log of QC comments and responses.

Assumptions

- All meetings will be held via Microsoft Teams unless otherwise specified in this Scope of Work.

- The CONSULTANT will facilitate virtual meetings.
- The CITY will facilitate in-person meetings unless otherwise agreed upon prior to the meeting.
- The CONSULTANT will prepare agendas and notes for the monthly meetings. The CONSULTANT will provide meeting agendas to the CITY at least one day prior to the meeting. The CONSULTANT will email the notes to the CITY after the meeting to verify note accuracy and action items.

Deliverables

- Additional six (6) monthly project management team meeting summaries with action items
- Updated Project schedule
- Six (6) additional monthly progress reports
- Six (6) additional monthly earned value reports
- Six (6) additional monthly Invoices (provided with dates, hours, and description of work)
- Updated subconsultant agreement
- QA/QC documentation, upon request.

3. SURVEYING:

Survey Project Management, plus supplemental survey will be completed at the intersection of SE 236th Street and 35th Avenue SE. Previous deliverables will be updated based upon 30% revisions including additional QA/QC.

3.5 Additional Survey Project Management.

Consultant will provide additional Project management associated with the additional survey deliverables described in this supplement.

This subtask includes the CONSULTANT's review of the survey to confirm critical locations or features are included in the survey which may require an additional field visit.

3.6 Utility Potholing

Notify and coordinate with the utility companies for location and potholing their utilities within the project footprint. Potholing required for verification of clearance of water main to upsize storm culvert to 24 inches at the 35th Avenue Southeast and 236th Street Southeast intersection.

3.7 Legal Descriptions and Exhibit Maps

Update and complete survey for property boundary survey and staking, legal descriptions, and exhibits for new right of way and temporary and permanent easements.

3.8 Additional Field Survey

Provide supplemental topographic survey of the intersection of 35th Avenue Southeast and 236th Street Southeast. The survey will extend for 200 feet north, south, and east of the intersection of the road centerlines, and will extend to the right-of-way line with the west. Elements to be surveyed include:

- Physical roadway features including roadway crowns, edges of pavement, flowlines, curbs and gutters, curb ramps, and shoulders.

- Surface water features including drainage ditches (top/toe of bank and thalweg if applicable); culvert inverts, pipe size, and pipe material; catch basin / manhole rims and inverts, pipe size, and pipe material.
- Utilities including utility poles; surface appurtenances such as water meters, gas valves, junction boxes, etc.; and painted utility locates features.

3.9 Title Review and Property Ownership

Review Right-of-Way line discrepancies between existing Title Reports, the City of Bothell database, and the Snohomish County database. The review will be conducted by, or under the supervision of and approved by, a registered Professional Land Surveyor licensed in the State of Washington.

Assumptions

- The survey datums and control will be consistent with previous surveys conducted for this project.
- The CONSULTANT will not proceed with field survey or other field data collection if field conditions are deemed to be unsafe. Where unsafe conditions are found, the CONSULTANT will notify the CITY to resolve them.
- The CONSULTANT is not responsible for delays outside the CONSULTANT's control.
- Permits will not be required for the CONSULTANT's efforts. The CITY will provide access to the survey area and will acquire any right-of-entry accesses necessary to facilitate the survey.
- Trees larger than 8 inches in diameter will be located as part of the supplemental topographical survey task. Tree driplines are not a part of these services.
- Confined space entry will not be required.
- The CONSULTANT will provide the CITY with three (3) days' advance notice for being on site to perform the survey. The CONSULTANT will only proceed after receiving written (email) authorization from the CITY.
- The CONSULTANT assumes that the review of the Right-of-Way line discrepancies will result in a clear answer as to where the Right-of-Way lines actually are. In the event that the review of available title reports and coordination with the CITY and Snohomish County do not yield a clear answer, additional effort beyond this scope of work will be necessary to resolve the issue.
- The CONSULTANT will arrange utility locating and surface painting at the 35th Avenue Southeast and 236th Street Southeast intersection prior to any survey activities.

Deliverables

- Potholing plan, log, and data sheets
- City of Bothell Right-of-Way plans in pdf form
- Exhibits and legal descriptions for two (2) permanent easement at the east culvert and west ends, and two (2) temporary stream easements
- Two (2) additional Title Reports along North side of Williams Parcel
- A digital copy of the supplemental survey basemap as an Autodesk Civil 3D file (.dwg) compatible with the most recent Autodesk DWG version (2018 or newer).

6. DESIGN REPORTS:

The CONSULTANT will modify previously created design reports to address changes to the project which occurred after the 30% design was completed.

6.4 Stormwater Pollution Prevention Plan (Update)

The CONSULTANT will update the Stormwater Pollution Prevention Plan (SWPPP) previously developed for the project. The SWPPP will be written in accordance with the requirements set forth in the KCSWM. The work will include the following tasks:

- Verify and update Best Management Practices (BMPs) specified in the previous SWPPP.
- Verify and update construction stormwater discharge monitoring plan.
- Verify and update in-water-work BMPs, stream bypass measures, and fish controls.
- Revise the narrative, figures, and appendices of the existing SWPPP to reflect the changes made to the project layout and Temporary Erosion and Sediment Control (TESC) Plan.

6.5 Drainage/Stormwater Review (Update)

The CONSULTANT will update the Technical Information Report (TIR) previously developed for the project. The TIR will meet the requirements and follow the format of a Full Drainage Review, as specified in the 2021 King County Surface Water Design Manual (KCSWM). In updating the TIR, the CONSULTANT will perform the following work:

- Assess project disturbed areas in the categories of:
 - Existing Pollution-Generating Impervious Surfaces (PGIS).
 - Existing Non-Pollution-Generating Impervious Surfaces (NPGIS).
 - Existing pervious surfaces.
 - New, replaced, and total proposed PGIS.
 - New, replaced, and total proposed NPGIS.
 - Total pervious surfaces.
- Determine the applicable Core Requirements and Drainage Review type and apply applicable exemptions or exception thresholds to the project.
- Perform hydrologic modeling with the Western Washington Hydrology Model (WWHM) to inform the application of exemption or exception thresholds to the KCSWDM Core Requirements.
- Revise the narrative, figures, and appendices of the existing TIR.

6.6 Stream Design Criteria (Update)

6.6.1 The two-dimensional HEC-RAS model will be updated to evaluate the hydraulic capacity of the proposed culvert and stream regrading associated with the new culvert location. The analysis will identify the frequency of flooding, scour, water depth and velocity to ensure fish passage, required clearance, and streambed material sizing.

6.6.2 Update stream alignment and grading. The Phase 1 design of the stream alignment did not extend to the failed dam location approximately 200 feet east from the existing Wood/Cole creek

culvert. In Phase 2, the stream alignment with a berm feature on the left bank will be extended up to an additional 100 feet to capture diverging flow west of the failed dam.

6.6.3 Update the channel bed profile and/or the need for grade control structures to provide fish passage and channel and bank stability within 50 feet upstream and downstream of the culvert. Update design for grade control structures and channel restoration as needed to meet fish passage criteria.

6.6.4 Update bank stabilization measures and large woody material (LWM) layout using WSDOT and WDFW criteria. Perform design for bank stabilization for project reach.

6.6.5 Update the Stream Design Technical Report which will include summary and discussion of the following:

- 1) Review of the proposed culvert design;
- 2) The fisheries and geomorphic setting of the watercourse encompassing the proposed culvert location;
- 3) The hydrologic/hydraulic analysis (details pertaining to development of project hydrology will be provided by CONSULTANT for inclusion in the memorandum);
- 4) Fish passage analysis;
- 5) Minimum culvert size recommendations and design criteria for use in a stable long-term culvert design;
- 6) Channel stability and local scour analysis results.

Stream restoration/bank stabilization, if needed.

Assumptions:

- The 2021 KCSWDM is the governing stormwater design manual. The CONSULTANT understands that the CITY maintains the Bothell Surface Water Design Manual (BSWDM) based upon the KCSWDM; however, during the development of the original TIR, the CONSULTANT was directed by the CITY's Supervising Surface Water Engineer to refer to the KCSWDM.
- A Full Drainage Review triggering all nine (9) Core Requirements and all five (5) Special Requirements per the KCSWDM will be required. The CONSULTANT assumes that while a Full Drainage Review will be triggered, Core Requirements #3 (Flow Control) and #8 (Water Quality) will meet exemption or exception thresholds and neither engineered flow control or water quality treatment facilities will be required. This assumption is reflected in the attached cost proposal.
- Updates to the Stream Design Technical Report will be limited to only what is in the current report. No new information will be added.

Deliverables:

- Updated Technical Information Report
- Updated Stormwater Pollution Prevention Plan
- Updated Stream Design Technical Design Report

7. 30% ROADWAY/ DRAINAGE/ UTILITY / STREAM DESIGN

The 30% design will be updated to address project changes due to adjustments made to the Cole / Woods Creek culvert location and length. This revised plan set will be used to progress the design into the 60% phase previously scoped.

- The CONSULTANT will update the draft 30% level design plan details that shall include horizontal and vertical road alignment, roadway section, preliminary culvert design, preliminary utility improvements, stormwater site plan and a grading plan. The 30% updated plan set will be submitted to the CITY for review and comments to confirm project changes have been captured.

Plans and details shall be prepared at an appropriate scale to illustrate critical items in a clear manner. Plans shall contain the anticipated sheet list provided in Table 1.

Table 1. List of Plan Sheets by Deliverable

List of Plan Sheets	30% Submittal Update
Cover/Index/ Vicinity Map	X
Legend and General Notes	X
Existing Site Plan	X
Traffic Control Plan	
TESC and Site Preparation Plan	
TESC and Site Preparation Details	
(Update) Temporary Stream Bypass Plan	X
Temporary Stream Bypass Details	
(Update) Proposed Conditions Site and Grading Plan	X
(Update) Stormwater Site Plan	X
240 th Street Southeast Storm Drain Plan	X
(Update) 35 th Avenue Southeast and 236 th Street Southeast Storm Culvert Plan	X
(Update) Road Plan and Profile	X
Road Details	
(Update) Road Sections	X
(Update) Culvert Plan and Profile	X
Culvert Details	
(Update) Utilities Plan and Profile	X
Utilities Details	
(Update) Channel Plan, Profile and Cross Sections	X
(Update) Streambed, Habitat Features and Channel Details	X
(Update) Site Revegetation Plan and Details	X
Total Plan Sheets (Updated Plan Sheets)	15 (11)

- The CONSULTANT will coordinate existing utilities relocation including the water main and overhead utilities pole relocation east of 35th Avenue Southeast at the location of the Cole / Woods Creek culvert replacement.

- The CONSULTANT will update 30% Cost Estimate to reflect changes in quantities associated with relocating the Cole / Woods Creek culvert.

Assumptions:

- The update to the 30% package will only include changes that result from the relocation of planned the Cole / Woods Creek culvert.
- A Joint Utility Trench will not be required for any portion of this project.
- Agency standard details will be referred to but not included in the project plan sets.
- Per previous CITY confirmation, there is sanitary sewer line in the 35th Avenue Southeast Right-of-Way at the Cole / Woods Creek culvert location.
- Any necessary water main relocations at the 236th Avenue Southeast culvert location will be coordinated between the Construction Contractor and the Alderwood Water and Wastewater District.

Deliverables:

- Updated 30% Plans, delivered electronically as a PDF file.
- Updated 30% Cost Estimate, delivered electronically as a Microsoft Excel file.
- Updated 30% QA/QC comments and responses for the file.

8. RIGHT OF WAY REQUIREMENTS (PROPERTY ACQUISITION)

Coordination and facilitation of real property and property rights are required for the project. The project requires additional roadway right of way for the road widening to the east of 35th Ave. Task work includes the following:

8.4 Update Easements

A permanent easement is required on the ends of the Cole / Woods Creek culvert for maintenance. Temporary easements are required for stream realignment, establishment, and monitoring. Temporary construction easements are also required from adjacent landowners for purposes of surveying, staging and temporary disturbance for construction.

8.5 Update ROW Plan

A Right of Way Plan is included with the survey deliverables for Task 3. Efforts to coordinate and review these exhibits for the purpose of Task 8 are included in this subtask.

8.6 Facilitation, appraisal, and acquisition of ROW and P/TCEs

Facilitation, appraisal, and acquisition of Right of Way, Permanent and Temporary Construction Easements for two impacted parcels. Efforts included multiple phone calls with the client, direct research with the title company, Snohomish County and review of future channelization and roadway options.

Assumptions:

- The title reports (or the results of the title report review conducted under Task 3) can be relied upon for the assessment of Right-of-Way acquisition and easement needs.

Deliverables:

- PDFs of records and letters to property owners of facilitation including agent diaries and all correspondence, and recorded documents.
- Updated Right-of-Way plans and legal descriptions, delivered electronically as PDF documents.
- Updated temporary easement exhibits and legal descriptions, delivered electronically as PDF documents.
- Discussions with City Staff
- Discussions with Title Report company
- Discussions with Snohomish County
- Research and review of future channelization and associated roadway sections

13. LANDSCAPE DESIGN

13.4 Update the Large Woody Material (LWM) layout

Update the Large Woody Material (LWM) layout, type, and quantity based on updates made in Tasks 6 and 7. Updates will be made in accordance with WSDOT and WDFW guidance for LWM design. Updates to any easements or right-of-way lines are made under Task 8.



CLIENT: <u>City of Bothell</u>	
PROJECT : <u>35th Ave SE Drainage Improvements Project</u>	
<u>Phase 2 Amendment 4</u>	
P.D. No.:	100-WTR-P210249
Proj. No.:	T40226

Date: 3/13/2023

EXHIBIT B: Estimate of Professional Services

TOTAL HOURS	19	92	96	193	16	143	24
DIRECT LABOR RATES	\$81.40	\$79.21	\$68.72	\$43.25	\$54.00	\$47.17	\$47.23
SUBTOTALS	\$1,506	\$7,287	\$6,597	\$8,347	\$864	\$6,745	\$1,134
TOTAL ESTIMATED DIRECT JOB WAGES							\$32,480
FIXED FEE ON DIRECT LABOR	30%						\$9,744
ESTIMATED LABOR W/OVERHEAD	1.7240						\$55,996
TOTAL PROJECT COST							\$110,899

Notes:

- 1. Direct Job Wages and number of hours are for estimating purposes only. Invoices will be based on actual wages and hours of staff assigned to the project.*
- 2. Direct job wages are subject to change to reflect periodic adjustments*
- 3. Milage rates shall be current IRS rate on the date of travel.*
- 4. All other direct costs such as parking, transportation fares, postage, delivery, reproduction costs, equipment rental and supplies will be billed at cost without markup.*



Cost + FF (DSC) Pricing Proposal
35th Ave SE Drainage Improvements Project
3/6/2023

TTEK_19-013	by EJV	
35th Ave SE Drainage Improvements Project	ck'd	BSB
Tetra Tech		
City of Bothell		

TASK 3 Surveying & Mapping	Principal Surveyor	Project Manager	QA/QC	PLS/Project	CADD 5	CADD 4	Tech 5	Tech 3	Assist PM	Admin	Total Hours	Labor Dollars
Task	DSC Rate	\$ 96.15	\$ 61.75	\$ 48.50	\$ 48.50	\$ 43.50	\$ 39.00	\$ 43.00	\$ 37.00	\$ 38.00	\$ 36.00	
Task-3.5 PM, Admin, QA/QC		1	2						4	4	11	\$ 515.65
Task-3.7 Legal Descriptions and Exhibits (3 total)		0.5	1	2	6	3					13	\$ 628.33
Task-3.8 Additional Field Survey		0.5	1	4		8		12	12		38	\$ 1,611.83
Task-3.9 Title Review and Property Ownership		2	8	2	1						13	\$ 831.80
											-	\$ -
											-	\$ -
											-	\$ -
											-	\$ -
		4	12	8	7	11	0	12	12	4	4	74
Total Dollars	\$ 384.60	\$ 741.00	\$ 388.00	\$ 339.50	\$ 478.50	\$ -	\$ 516.00	\$ 444.00	\$ 152.00	\$ 144.00	-	\$ 3,587.60

Direct Salary Cost	\$	3,588
Overhead Cost	149.56%	\$ 5,366
Fee (*DSC)	30.00%	\$ 1,076

Total Labor	\$ 10,029
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ODC's (Other Direct Costs)

Non-Invoiced (mileage; repro; etc.)	Mile/repro	\$ 32.750
Invoiced (sub-c; rental; etc.)	TBD	\$ 2,368.20

ODC BREAKDOWN					
NON-INVOICED			INVOICED		
Mileage	50	0.655	\$32.75	3D Laser Scanner (2 Days)	
Materials	repro		\$ -	Traffic Control	\$ -
	computer		\$ -	UG Utility Locates	\$ 390.00
	other		\$ -	Title Reports	\$ 1,978.20
SUB TOTAL			\$ 32.75	Other	\$ -
				SUB TOTAL	\$ 2,368.20

Contract Total	\$ 12,430
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DRAFT

SW23 - 35th Ave SE Drainage Improvements

DESCRIPTION:

This project addresses an area-wide flooding issue along 35th Ave SE between Cole/Woods Creek and 240th St SE. Design will include a combination of a new fish-passage culvert for Cole/Woods Creek under 35th Ave SE and selected downstream conveyance improvements, such as culvert and pipe upgrades.

JUSTIFICATION:

Flooding occurred over multiple years at the creek crossing at 23600 block of 35th Ave SE and along 35th Ave SE corridor between 228th St SE and 240th St SE overflowing from the north down the ditch lines. Culverts and inlets are periodically clogged with debris and the culverts are undersized. During the December 3, 2007 storm, the ditch overtopped 35th Ave SE and flowed into Monte Villa Business Park. This ditch overflows almost every rain event and requires significant staff effort (10 overtime and regular hours at this location in 2019). A full buildout analysis of the basin determined changes that needed to be made including a new culvert at the Cole/ Woods Creek crossing. Cole/Woods Creek currently exceeds the capacity of its culvert, splitting the flows and sending creek water south on 35th Ave NE, affecting the roadway capacity. The design calls for water to flow to its natural discharge location so this portion of the project seeks to restore Cole/Woods Creek to its channel. In addition, a couple of restriction points in the 35th Ave SE and 240th St SE stormwater conveyance system will be upsized to reduce the future potential of flooding.

FUTURE MAINTENANCE AND OPERATING (M & O) COSTS:

This project will reduce the need for response due to flooding through the replacement of failed and aging infrastructure, increased pipe capacity, elimination of excessive erosion, and better stormwater catchment. Construction of these improvements will reduce cleaning, pipe repair, and the number of responses required during major rain events.

TIMING PRIORITY CONSIDERATIONS:

Fish passable culvert replacement where Cole/Woods Creek crosses under 35th Ave SE has been identified as a high-priority by the Washington Department of Fish and Wildlife. Planning and preliminary design of the Cole/Woods Creek culvert began in 2019.

PROJECT COMMENCEMENT REQUIREMENTS:

Agreements with adjacent property owners are necessary prior to construction of this project. The project is approved to commence when financing is secured and funding resources are appropriated in the City's budget.

PROJECT STOPPING POINT(S):

Project spending is not authorized in excess of adopted funding resources.

STATUS:

Basin analysis and design for replacement of the 236th St SE culvert were completed in 2018. Conceptual design for the Cole/Woods fish passable culvert is currently underway. Permitting and final design is scheduled for 2022 with construction scheduled to continue through 2025.

Dollars in Thousands (000)

ESTIMATED PROJECT COSTS	Projected Spending Thru 2022	Budgeted		Estimated					Estimated Spending 2023 - 2029	Total Estimated Project Costs Thru 2029
		2023	2024	2025	2026	2027	2028	2029		
Design	937	163							163	1,100
ROW Acquisition	438	133							133	571
Construction			1,350	1,731	91	94	97	101	3,464	3,464
TOTAL ESTIMATED COSTS	\$1,375	\$296	\$1,350	\$1,731	\$91	\$94	\$97	\$101	\$3,760	\$5,135

ESTIMATED PROJECT FUNDING	Projected Funding Thru 2022	Budgeted		Estimated					Estimated Funding 2023 - 2029	Total Estimated Project Funding Thru 2029
		2023	2024	2025	2026	2027	2028	2029		
SECURED FUNDING										
Grant Awarded (KC Flood Conservation)	515								0	515
Grant Pending (Federal)			1,000	1,000					2,000	2,000
Utilities - Storm & Surface Water	860	296	350	731	91	94	97	101	1,760	2,620
TOTAL SECURED FUNDING	\$1,375	\$296	\$1,350	\$1,731	\$91	\$94	\$97	\$101	\$3,760	\$5,135

PROJECT VARIANCES	Projected to 12/31/2022	Budgeted		Estimated					Project Variances 2023 - 2029	Total Project Funding Thru 2029
		2023	2024	2025	2026	2027	2028	2029		
Secured Funding	1,375	296	1,350	1,731	91	94	97	101	3,760	5,135
Estimated Project Cost	1,375	296	1,350	1,731	91	94	97	101	3,760	5,135
TOTAL PROJECT VARIANCES	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Dollars in Thousands (000)

PROJECT M&O IMPACT	Budgeted		Estimated					Total Project M&O Impact 2023 - 2029
	2023	2024	2025	2026	2027	2028	2029	
TOTAL FUTURE M&O COSTS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL FTE IMPACT	No Future M&O Impact							



City of Bothell™

City Council
Agenda Bill
AB # 23-081

TO: Mayor Thompson and Members of the Bothell City Council

FROM: Kwan Wong, Finance Director (Presenter)

DATE: June 6, 2023

SUBJECT: Consider Approval of Proposed Ordinance Amending the City's 2023-24 Biennial Budget to Increase ARPA Expenditures

POLICY CONSIDERATION: This item asks the City Council to amend the 2023-25 biennial budget to increase expenditures in the American Rescue Plan Act (ARPA) funds to support Council's three-year priorities. At the Study Session on May 16 Council directed staff to return with appropriate budget legislation in alignment with the May 16 packet.

HISTORY:	DATE ACTION	
	DATE	ACTION
	MARCH 11, 2021	American Rescue Plan Act signed into law
	JUNE 25, 2021	City received first ARPA funds distribution
	JULY 5, 2022	City received second ARPA funds distribution
	DECEMBER 6, 2022	Council adopted the 2023-24 budget via Ordinance No. 2387 (2022).
	JANUARY 19-23, 2023	Council held a retreat to enable the Bothell City Council to identify a long-term direction for the city in the form of a Vision, Strategic Priorities, and Operating Guidelines that will enable future success.
	MARCH 7, 2023	Council adopted the Council Vision and endorsed the Council three-year priorities.
	MAY 16, 2023	Study Session to review the next steps in the Council Priority workplans and to consider a one-time budget amendment using ARPA funds to implement the strategic focus areas

DISCUSSION: The Council 2040 Vision and three-year priorities as adopted and endorsed on March 7, 2023 can be found online: [Council Vision and Priorities](#). The purpose of these documents is to provide staff and the community with a roadmap to the future. As noted on March 7, many of the priorities are accomplishable within the foundational adopted 2023-2024 budget and are already underway. Yet, even with existing resources, there is a need for one-time consultant technical and/or project management work in targeted areas to achieve Council's priorities within the three years.

Staff returned to Council on May 16 during a study session discussed investments where one-time funding would allow a quicker or fuller support the identified scope of work and timeline. The one-time funding is supported by funding available through the American Rescue Plan Act (ARPA) funds. See below for detailed information on ARPA funding and associated recommendation for priority needs.

American Rescue Plan Act (ARPA) and Council Priority needs

The City of Bothell received \$13.2 million in ARPA funding to address the impacts of COVID-19 pandemic. The City has appropriated through either the 2023-2024 budget process or as a standalone budget amendment in 2021 \$9.5 million, leaving \$3.7 million (rounded) left to allocate. Per the Final Rule, all ARPA funds must be under encumbered by December 2024 (under contract), and fully spent by December 2026. In prior Council discussions, the Council considered the following guiding principles in regards to making funding allocations:

- a) Direct community support, especially for human services needs and economic recovery
- b) Support City and community recovery and resilience
- c) Maximize community partnerships to facilitate deployment of resources, recognizing those who were disproportionately impacted by COVID
- d) One-time investments to reopen and facilitate recovery
- e) Use all eligible ARPA funding before existing City funds
- f) Sufficient staffing levels for effective implementation, internal and regional coordination, and reporting requirements
- g) Decision-making is intentionally inclusive, with equitable outcomes

Staff reviewed each of the Council Priorities, comparing what is funded within the 2023-2024 Adopted Budget and underway, what the anticipated technical/consultant work support would be, and what would require one-time funding to facilitate the three-year priority timeline. Staff then reviewed the historical Council guiding principles and the following recommendation was presented to Council on May 16, and at that time Council directed for staff to return with appropriate legislation.

Focus Area	(‘000s)	Short Funding Description	Most Direct Council Guiding Principles Connection (Paraphrased)
Connecting Neighborhoods for One City	\$250	Housing strategy, and affordable housing pilot/program	Direct Community Support City and community recovery /resilience
Economic Vitality	720	Economic Development plan, long range funding options, and cyber security	City and community recovery /resilience
A Community of Trust and Respect	100	Public engagement toolkit and outreach	Maximize partnerships to facilitate deployment of resources
A Joyful and Healthy Way of Life	2,120	Majority of funding is to fund 100% design the Park at Bothell Landing to expedite the project, the remainder includes LED lights at Parks, and Parks and Recreation programming assessment	Direct Community Support
Building Bothell’s Beloved Community	0	Able to be addressed within existing budget	NA
Environmental Stewardship	485	Climate action plan, urban forestry, heritage trees	City and community recovery /resilience
Moving In and Around Bothell	0	Able to be addressed within existing budget	NA
Total	\$3,675		

Staff acknowledges that many of the guiding principles could apply to the focus area's one-time need. The notation above is staff's recommendation on the most direct linkage. Staff also acknowledges that some of the priorities may require ongoing resources to complete. Any ongoing resource need will be informed by and/or addressed within future budget discussions.

FISCAL IMPACTS: The proposed amendment to the American Rescue Plan Fund increases the appropriation authority by \$3,675,778.

ATTACHMENTS: Att-1. Ordinance amending the 2023-2024 biennial budget

RECOMMENDED ACTION: Adopt the proposed ordinance amending the 2023-24 biennial budget.

ORDINANCE NO. _____ (2023)

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON,
AMENDING THE 2023-2024 BIENNIAL BUDGET.

WHEREAS, State law, Chapter 34A.34 RCW provides for the biennial adoption of the City's budget and provides procedures for filing of the proposed budget, deliberations, public hearings, final fixing, and any subsequent adjustments to the budget; and

WHEREAS, the 2023-2024 budget was adopted for all funds of the City, including the American Rescue Plan Fund; and

WHEREAS, budget development requires staff to make predictions about revenues and expenditures for the upcoming biennium, and it is not uncommon for budget amendments to be subsequently required to respond to emergent issues; and

WHEREAS, the City Council has identified one-time investments of previously received American Rescue Plan Act (ARPA) funding that will support its vision and priorities; and

WHEREAS, the 2023-24 budget has been amended on one prior occasion (February 28, 2023).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The adopted budget for the 2023-2024 biennium is hereby amended as set forth in the table below, which is attached hereto and incorporated herein by this reference as set forth in full.

FUND	Revenues		Expenditures	
	Adopted	Amended	Adopted	Amended
American Rescue Plan	\$0	\$0	\$7,674,660	\$11,350,438

Section 2. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 3. EFFECTIVE DATE. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Section 4. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

APPROVED:

MASON THOMPSON
MAYOR

ATTEST/AUTHENTICATED:

LAURA HATHAWAY
CITY CLERK

APPROVED AS TO FORM:

PAUL BYRNE
CITY ATTORNEY

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO.: _____ (2023)

SUMMARY OF ORDINANCE NO. _____ (2023)

City of Bothell, Washington

On the _____ day of _____, 2023, the City Council of the City of Bothell passed Ordinance No. _____ (2023). A summary of the content of said Ordinance, consisting of the title, is provided as follows:

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, AMENDING
THE 2023-2024 BIENNIAL BUDGET

The full text of this Ordinance will be mailed upon request.

LAURA HATHAWAY
CITY CLERK

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO.: _____ (2023)



City of Bothell™

City Council
Agenda Bill
AB # 23-082

TO: Mayor Thompson and Members of the Bothell City Council

FROM: Jason Greenspan, Community Development Director
Ashley Winchell, Deputy Community Development Director (presenter)

DATE: June 6, 2023

SUBJECT: Canyon Park Transfer of Development Rights Program

COUNCIL ACTION: Tonight, staff recommends holding a public hearing for the transfer of development rights (TDR) program in the Canyon Park Subarea. This follows a study session on May 16 where staff reviewed the TDR program and its implications. On December 7, 2022 Planning Commission recommended approval of the proposed code amendments to City Council.

HISTORY:	DATE	ACTION
	DECEMBER 15, 2020	City Council adopted Ordinance No. 2340 the Canyon Park Subarea Plan which recommended the development of a TDR program
	FEBRUARY 15, 2022	City Council initiated the TDR Rights code amendments through the 2022 Planning Docket
	DECEMBER 7, 2022	Planning Commission conducted a public hearing and made a motion to recommend to City Council
	MAY 16, 2023	City Council held a study session on the Transfer of Development Rights program

DISCUSSION: **Background – provided here and repeated from May 16**
The Canyon Park Subarea Plan recognized that several essential public facilities which are currently located in the Canyon Park Subarea are not able to meet minimum development levels because of their unique operations. Accordingly, the plan recommended developing a TDR program in order to maintain the minimum densities required by the Puget Sound Regional Council Regional (PSRC) Regional Growth Center (RGC) framework and meet employment and residential growth targets. See Canyon Park Subarea Plan Land Use policies LU-TDR-1, LU-TDCR-2 and LU-TDR-3.

Broadly, a TDR program recognizes unique development challenges in a geographically defined area and encourages flexibility to meet overall desired employment and housing outcomes with meaningful public benefits. “Receiving” sites are identified in this geographically defined area as eligible to receive activity unit credits from a “sending” site. In the context of Canyon Park, these credits are generally intended to be used to assist affordable housing and/or affordable commercial space objectives.

The Sound Transit Bus Base North development is proposed in conjunction with delivery of the I-405 and SR522/NE 145th St. Bus Rapid Transit (BRT) lines. Bus Base North is critical to delivery of these BRT routes. Bus Base North is proposed in the Canyon Park RGC on a “sending” site directly south of the City of Bothell and Northshore School District Operations and Maintenance facilities and north of the Romac Industries building. The site is on the east side of 204th Ave SE. The proposed Bus Base north development will not meet the minimum floor area ratio (FAR) requirements of the Canyon Park Subarea and implementing development codes in BMC 12.48.

Bus Base North is a regional transit authority facility which qualifies as an essential public facility. Per RCW 36.70A.200 essential public facilities are uses that are difficult to site and cities in Washington state cannot preclude essential public facilities within their boundaries. The TDR program is a tool that will help the City fulfil its obligation to permit essential public facilities while maintaining required development capacity in Canyon Park.

Proposed Policy

Community Development staff, supported by BERK Consultants, have been working with Sound Transit to develop a TDR program to advance the goals and policies of the Canyon Park Subarea Plan and create a path for the development Bus Base North. The program will allow for the unused development rights from the Bus Base North “sending” site to be transferred to eligible developments within “receiving” sites in Canyon Park. The proceeds to these development rights would then be used to provide funding support to affordable housing production within Canyon Park.

The TDR program could be used to allow other essential public facilities in Canyon Park in the future. Additional environmental analysis and potential code changes may be needed to expand the program in the future.

The packet includes two sets of proposed code amendments. Attachment 2 is the Planning Commission recommended amendments and Attachment 3 is Sound Transit's recommended amendments. Sound Transit did an additional legal review after Planning Commission and made further changes to the proposed text. Staff has reviewed and is comfortable with the changes.

The proposed code amendments were reviewed on May 16.

Next Steps

Tonight, staff recommends holding the public hearing. Post the public hearing, staff seeks direction to return to Council on June 13 for action. Permit applications for Bus Base North cannot be submitted until the TDR program is in place.

A subsequent Interlocal Agreement (ILA) will be required to sever development rights from the Bus Base North site and to memorialize how Sound Transit will track, market and report on credit availability to the City. The ILA process will run concurrently to land use and permit review.

FISCAL IMPACTS: Significant fiscal impacts from this program are not anticipated. Administration and monitoring of the credits can be absorbed into existing job functions within Community Development. Wider scale implementation of this program may create staffing constraints.

ATTACHMENTS:

Att-1.	Planning Commission Findings
Att-2.	Public Comments
Att-3.	SEPA Documents
Att-4.	Code amendments as recommended by Sound Transit

RECOMMENDED ACTION: Staff recommends City Council hold a public hearing and take public comments. Post the public hearing, staff seeks direction to return to Council on June 13 for action.

Proposed Code Amendments Regarding Transfer of Development Rights in the Canyon Park Subarea

Planning Commission Findings, Conclusions and Recommendation

Findings

1. **History.** This item was initiated by City Council on February 15, 2022 as part of the 2022 Docket of Plan and Code Amendments.
2. **Geographic Location.** The proposed code amendments would apply to the Canyon Park Subarea.
3. **Proposed Action.** The proposed code amendments would implement a transfer of development rights program and include amendments to:
 - a. Amend 12.48.130 Dimensional regulations for Canyon Park Subarea zones.
 - b. Amend 12.48.140(B)(3) Floor area ratio calculations.
 - c. Update 12.48.180 Transfer of development rights.
4. **Public Meetings.** The Planning Commission held a study session on the proposed Code amendments on May 4, 2022 and a public hearing on June 1, 2022, October 19, 2022, November 16, 2022, and December 7, 2022.
5. **Public Notice.** Public notice for the proposed code amendments was provided through the following methods:
6. ***Imagine Bothell...* notice.** The City of Bothell provides a monthly notice to citizens, interested parties and news media describing upcoming meetings and hearings and the topics of those meetings. This notice is provided at the end of the month for the subsequent month's hearing schedule. The *Imagine Bothell...* notice also contains contact information.
 - a. Notice of the public meeting dates for the proposed code amendment was published in the May, June, October, November and December 2022 editions of the *Imagine Bothell...* notice.
 - b. The *Imagine Bothell...* notice is sent via e-mail and/or regular U.S. Postal Service mail to all parties who have signed up for the service.

- c. The *Imagine Bothell...* notice is published in the City's Newspaper of Record.
 - d. The *Imagine Bothell...* notice is also posted on the City's web page at www.bothellwa.gov.
 - e. The *Imagine Bothell...* notice is also publicly posted at City Hall, and the Municipal Court Building.
7. **Specific Planning Commission Findings.** The Planning Commission makes the following specific findings regarding the proposed Code amendments. These findings are based upon any public testimony the Planning Commission receives during the public hearing, information provided to the Planning Commission by staff, and Planning Commission deliberations. These findings are arranged by individual Code amendment as listed in Finding 3 above:
- a. **Amend 12.48.130 Dimensional regulations for Canyon Park Subarea zones.** Table 12.48.130 contains a row "Maximum FAR with incentives", and includes language which does not reflect the intent to permit exceeding maximum FAR by using incentives. The table should be amended to reflect the intent of the provision, listing the proper code sections having incentives.

Planning Commission finds the existing referenced section needing to be revised to allow maximum FAR to be exceeded by using the incentives currently available in the applicable sections 12.48.180 Transfer of development rights, and 12.48.190 Bonus floor area ratio incentives.
 - b. **Amend 12.48.140(B)(3) Floor area ratio calculations.** This section should be amended to better reflect the intent of the treatment of essential public facilities not meeting minimum development requirements, and giving the Community Development Director discretion over the amount of floor area development rights to be transferred.

Planning Commission finds the placeholder language "(in units to be determined)" needing to be updated to enable staff to administer a transfer of development rights program.
 - c. **Update 12.48.180 Transfer of development rights.** This amendment updates the previously reserved section for transfer of development rights by adding new provisions necessary to implement a program within Canyon Park.

Planning Commission finds this amendment to be in accordance with certain policies and actions in the Canyon Park Subarea Plan intended to retain "Activity Units" in the City's Regional Growth Center, and to create opportunities for transportation-oriented development, and affordable housing within the city.

8. **Department of Commerce Review.** The proposed Code amendments will be sent to the Department of Commerce upon completion of the Planning Commission review.
9. **State Environmental Policy Act (SEPA) Review.** A Determination of Significance and SEPA addendum to the adopted Canyon Park Final Environmental Impact Statement (EIS) will be issued, which includes a seven-day public comment period. The transfer of development rights program implemented by the proposed Code amendments is not anticipated to result in impacts beyond that of the adopted Final EIS with regard to natural environment, stormwater, aesthetics and urban design, and transportation. There are minor transportation impacts by moving trips associated with development in one "superblock" to others in the proposed receiving locations. The City's concurrency process and design standards require a transportation impact analysis to confirm level of service is met. This along with the adopted planned action ordinance trip cap and mitigation are anticipated to achieve the adopted Final EIS results.
10. **List of Exhibits.** A SEPA addendum was submitted to the Planning Commission as an exhibit to this document.

Conclusions

1. The potential Code amendments have been drafted, noticed, reviewed by the public and considered by the Planning Commission in accordance with the applicable laws of the State of Washington and the City of Bothell.
2. The potential Code amendments are necessary to implement a transfer of development rights program for City Staff to administer for essential public facilities not meeting minimum development requirements.
3. The potential Code amendments are in the best interest of the public health, safety and welfare.

Recommendation

Based upon these findings and conclusions and the entire record, the Planning Commission recommends the City Council adopt the proposed Code amendments as Exhibit A (draft ordinance forthcoming and to be provided to City Council) to these Findings, Conclusions and Recommendations.

Dear Chair Kiernan and other Planning Commission members,

I am writing on behalf of the Canyon Park Business Center Owners' Association (CPBCOA or Association) to comment regarding the City of Bothell's proposed Transfer of Development Rights (TDR) program and ordinance. As you may recall, the Canyon Park Business Center is a 300+acre mixed-use business park located in the Canyon Park subarea. The Park includes the only designated sending site and one of the proposed receiving sites for this proposed TDR program. Due to travel commitments, I am unable to attend tomorrow's public hearing. We ask that you accept this email as the Association's comments on the program as currently proposed.

The CPBCOA appreciates the efforts of the City team, particularly Deputy Director Winchell, to develop this proposed TDR program for the City. The Association recognizes and appreciates the effort and thinking the City has put into developing a coherent program. We had a few comments for the City's consideration as you continue to evaluate and refine this proposal. First, we are concerned that the financial transaction (money exchange) portion of the TDR program is not well developed or explained in the draft ordinance or supporting materials. It is not clear from the ordinance how and when the City will establish the value of development credits, or how and when money will be transferred (i.e., is the financial exchange between the two property owners, or is the City creating a TDR bank? When will the exchange of funds occur relative to the creation of the credits?). It would be helpful – and is important – that this information is clear to those who the City would like to use the program. This is particularly confusing (and concerning) because it appears that a TDR expires after 5 years if it has not been used (acquired by a receiving site).

Second, in light of the report from Berk Consulting, it appears that the City does not expect any TDR credits to be acquired by designated receiving sites within the next several years. It also appears from the newly added language (since the November public hearing) that TDR certificate expire 5 years from issuance. The relationship between the time when credits are created and when they must be purchased and used at a receiving site is not clear in the ordinance as drafted. It seems possible that selling entities may have to forfeit the value of any created credits if there is not a buyer within 5 years. For example, it seems possible – and perhaps likely – that any TDR credits created by the Sound Transit sending site will go unused, leaving Sound Transit in a circumstance where it has limited the density of its property, but that density credit has not been transferred to another property before expiring. Please clarify how this outcome will be avoided under the ordinance as currently proposed.

Third, additional details are needed regarding the proposed Sound Transit TDR program. It appears from the Berk report that the TDR "deal" for Sound Transit is likely to differ in substantive ways from the standard process outlined in the ordinance. In particular, it appears that the TDR credits to be created from the Sound Transit bus base site will be subject to additional restrictions that are likely to make it more difficult to find a buyer for those credits. The Association requests that the City provide it with

notice of any proposed interlocal agreement including Sound Transit so that we may learn about and understand any particularities of the City/Sound Transit TDR plan.

Fourth, the City has not yet issued a SEPA threshold determination for the proposed TDR program. The scope of the SEPA analysis should be commensurate with the scope of the program. As currently proposed, the City is contemplating only sending and receiving sites at particular locations within the Canyon Park Subarea. The SEPA analysis should evaluate the potential environmental impacts of this program. If in the future the City proposes to expand the TDR program to additional properties or areas of the City, the City will be required to complete SEPA commensurate with the expanded program and will not be able to rely on the SEPA issued as part of the current program for any future expansion. The SEPA documents issued for the current proposal should make this clear and explain that further SEPA review will be required when/if the TDR program is expanded. The City may also want/need to reserve SEPA on the current phase until they have developed the interlocal agreement with Sound Transit as the environmental impacts of that specific program may differ from the impacts of the TDR program generally.

Finally, the Association appreciates the City's efforts to minimize any traffic impacts in the Canyon Park Subarea from this TDR program. However, it does appear that the TDR program will make traffic worse at several key intersections affecting the Canyon Park Business Center than was analyzed in the Canyon Park Subarea Plan EIS. The Association requests that the City develop and impose mitigation requirements that fully offset these traffic impacts from the proposed TDR program.

Thank you again for your efforts in developing this program. It is an important step for the City. As noted above, it appears to the Associations that a few key points remain to be worked out before this program is ready for adoption and implementation.

Sincerely,

Molly A. Lawrence

Partner

(Pronouns: she/her/hers)

Van Ness Feldman LLP

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City of Bothell™ Determination of Significance and Adoption of Existing Document Transfer of Development Rights Code

Date of Issuance

May 16, 2023

Lead Agency and Proponent

City of Bothell

Agency Contact

Ashley Winchell, Deputy Community Development Director, Community Development Department
ashley.winchell@bothellwa.gov
(425) 806-6407

Description of Proposal

The Canyon Park Subarea Plan includes policies addressing transfer of development rights (TDR) for essential public facilities that cannot meet minimum development thresholds designed to help the center achieve activity units (population and jobs) as required by the Puget Sound Regional Council Regional Growth Center Strategy. Essential public facilities include typically difficult to site facilities such as regional transit authority facilities, airports, solid waste facilities, etc. (RCW 36.70A.200).

The City of Bothell is proposing to implement the Subarea Plan actions by creating a code that would establish a TDR program using a section of code reserved for such a purpose: BMC 12.48.180 Transfer of development rights. Sending sites would be essential public facilities in the Canyon Park Subarea. Receiving sites would be medium and high density areas, particularly where transportation impacts can be addressed.

The proposed code would also amend the calculation of Floor Area Ratio at BMC 12.48.140 to recognize the TDR program. The TDR Program would allow for increases in the maximum floor area ratio (FAR, or the floor area of a building on a parcel divided by the area of the parcel) based on incentives as allowed in BMC Table 12.48.130. While the maximum FAR allowed on a site could be increased to gain additional residential or commercial space on TDR receiving sites the maximum building height would not change.

Location of Proposal

The Canyon Park Subarea is located in the Snohomish County portion of the City of Bothell and is fully within the urban growth area. The area is encompassed by SR 524 and Thrashers Corner to the north including shopping areas to the north and south of SR 527; the general alignment, if extended of 31st Avenue SE to the east; 228th Street SE to the south including commercial areas on both sides; and the general alignment, if extended of 8th Avenue SE on the west. It is traversed by SR 527, I-405, and by

North Creek.

Document Being Adopted

Title: Canyon Park Subarea Planned Action Final Environmental Impact Statement

Date adopted document was prepared: December 7, 2020

Description of document being adopted: The City of Bothell prepared the Canyon Park Subarea Planned Action Final Environmental Impact Statement to address policies and codes and future development allowed in the subarea. The document was appealed to the Growth Management Hearings Board (Case No. 21-3-0006) but the Board found in favor of the City of Bothell.

The adopted document is available at: <http://www.ci.bothell.wa.us/1176/Canyon-Park>.

Determination

The City of Bothell has determined that this proposal is likely to have a significant adverse impact on the environment. We have identified and adopted this document as being appropriate for this proposal after independent review. An addendum to the Final EIS has been prepared per WAC 197-11-625 and is available at the project website: <http://www.ci.bothell.wa.us/1176/Canyon-Park>.


The document meets our environmental review needs for the current proposal and will accompany the proposal to the decision makers in lieu of preparation of a separate Environmental Impact Statement (EIS).

This Determination of Significance and Adoption Notice is issued under WAC 197-11-630(3)(a) and consequently the general EIS preparation process does not apply. There is no comment period but there will be no agency action for seven days of date of this notice.

Responsible Official

Ashley Winchell, AICP

Date: May 16, 2023

Signature: 

You may appeal this determination of significance by 4:00 pm, 14 calendar days after issuance. With respect to any appeal, you should be prepared to make specific, factual objections. SEPA appeals must be submitted precisely as outlined and detailed in BMC Title 14.02 and BMC Title 11 including payment of the applicable appeal fee. Contact Ashley Winchell, Deputy Community Development Director, ashley.winchell@bothellwa.gov, to read or ask about the procedures for SEPA appeals.

To the Canyon Park Subarea Planned Action Final Environmental Impact Statement December 7, 2020

Addendum Issue Date: May 16, 2023

Introduction and Proposal

The Canyon Park Subarea Plan includes policies addressing transfer of development rights (TDR) for essential public facilities that cannot meet minimum development thresholds designed to help the center achieve activity units (population and jobs) as required by the Puget Sound Regional Council Regional Growth Center Strategy. See sidebar for the subarea plan TDR policies. Essential public facilities include typically difficult to site facilities such as regional transit authority facilities, airports, solid waste facilities, etc. (RCW 36.70A.200).

The City of Bothell is proposing to implement the Subarea Plan actions by creating a code that would establish a TDR program using a section of code reserved for such a purpose: BMC 12.48.180 Transfer of development rights. Sending sites would be essential public facilities in the Canyon Park Subarea. Receiving sites would be medium- and high-density areas, particularly where transportation impacts can be addressed. The proposed code would also amend the calculation of Floor Area Ratio at BMC 12.48.140 to recognize the TDR program. The TDR Program would allow for increases in floor area ratio (the volume of a building on a parcel) based on incentives as allowed in BMC Table 12.48.130. While FAR could be increased to gain additional residential or commercial space on TDR receiving sites the maximum building height would not change.

Relationship to Final EIS

The Final EIS evaluated a preferred Live/Work Mitigated alternative that become the proposal in the Subarea Plan and was in the range of more intense alternatives studied.

BOTHELL CANYON PARK SUBAREA PLAN: TDR ACTIVITY UNIT TRANSFER PROGRAM

Some land uses, such as essential public facilities like the Snohomish County Public Utility District No 1 electrical substation, the Northshore School District Bus Base, or the City of Bothell maintenance shops, may not be capable of meeting minimum development levels—either floor area ratios or residential densities—because of their unique operations. To meet the PSRC RGC framework criteria obligations, Bothell should create an Activity Unit TDR program.

Action

LU-TDR-1 Establish “receiving” sites in the High and Medium density designations as eligible to receive activity unit credits.

LU-TDR-2 Create an Activity Unit-based TDR program where the City is the “holder and distributor” of these credits.

LU-TDR-3 Encourage these credits to be used to assist affordable housing and/or affordable commercial space objectives.

The Final EIS reviewed impacts to the natural and built environment of the Preferred Alternative. This section describes how the Proposal fits into the environmental evaluation of the Final EIS.

Similar Height, Footprint, and Development Capacity: The TDR program is designed to fulfill the subarea plan actions and regional growth strategy requirements for the Canyon Park Regional Growth Center to achieve minimum activity units while retaining fundamental parameters of growth and design in the subarea. For example, building height and footprints (e.g., building coverage or setbacks) would not change on the sending or receiving sites. Building volume, and capacity for housing or jobs, would be greater on receiving sites equivalent to the allowed but unused capacity on sending sites, such that total growth would be similar to that studied in the Final EIS. The Subarea Plan and Bothell Municipal Code were amended to address the planned development and growth and the **land use patterns and policy** evaluation would be similar. The potential for population, housing, and jobs and the resulting total demand for **public services and utilities** would not change compared to the Final EIS within the subarea since development capacity would be moved around but not increased. Utility design standards and certificates of adequacy as well as planned action mitigation would still apply. Fulfilling the subarea plan, the TDR program could encourage affordable housing.

Critical Area, Stormwater, and Aesthetic Design Standards Continue to Address Growth: Applicable regulations designed to address the natural environment (e.g., critical areas, stormwater manual, planned action mitigation) would not change, and footprints of development would not change, meaning the evaluation of impacts to the **natural environment and stormwater** would be consistent. Land use and **aesthetics and urban design** effects would be similar to the preferred alternative in the Final EIS since height and building footprints would not differ, and design standards are intended to reduce bulk (e.g., building modulation).

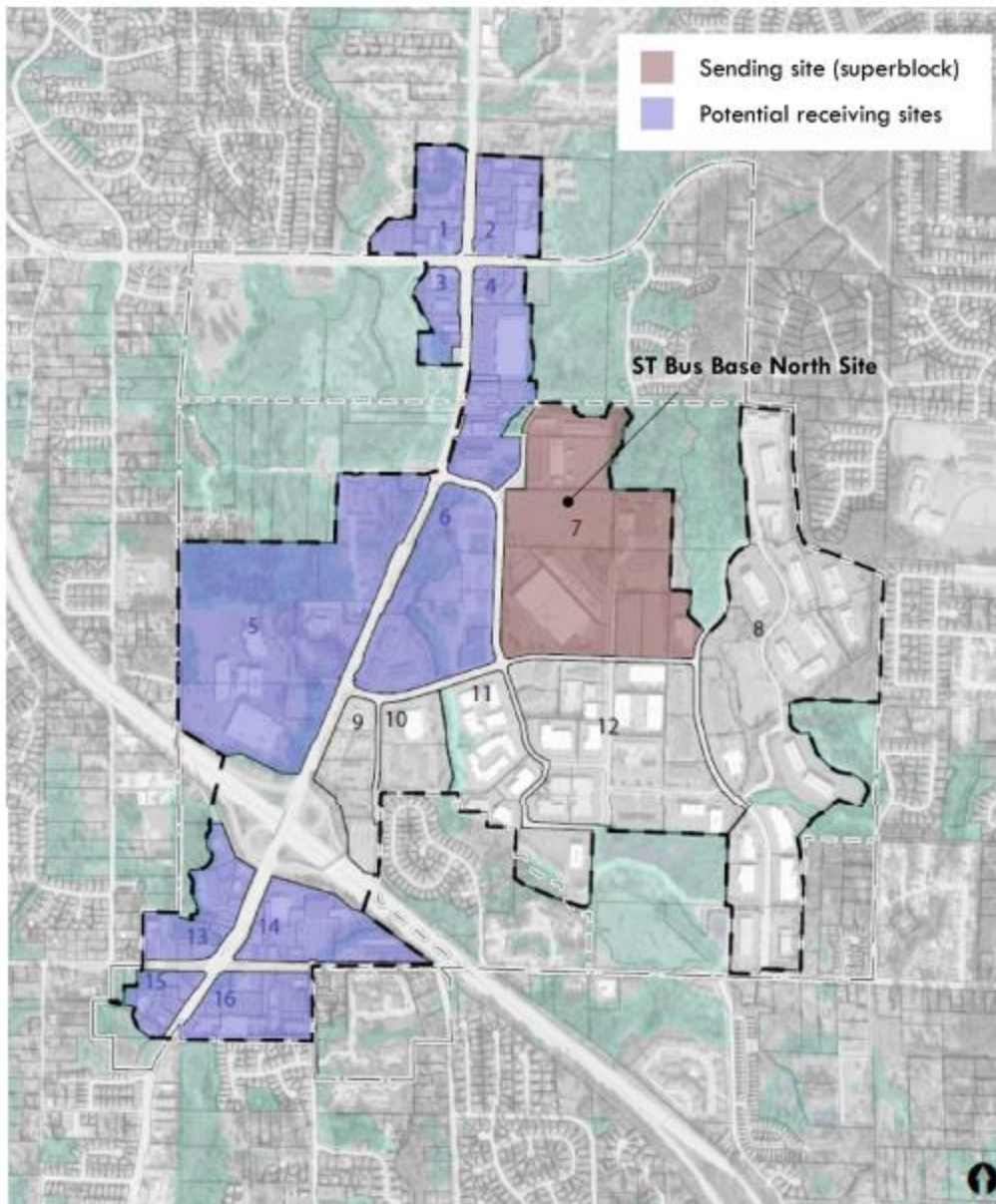
Transportation: The location of growth could affect corridors or segments and levels of service (LOS) as shown in the July 27, 2022 Canyon Park Transfer of Development Rights – **Transportation Analysis** by Fehr & Peers (Attachment A). See Exhibit 1 below for references to the superblocks used in the analysis.

The various TDR scenario results tested were largely determined to be close to that of the Final EIS. Transfers of activity units from sending areas to receiving areas in blocks abutting the Park and Ride (Blocks 9, 10, and 11) have been restricted in the TDR code due to the Final EIS evaluation; these blocks would not be receiving sites in the proposed TDR code. Additionally, while transfers to Block 5 would not result in reducing corridor LOS, there are concerns about potential impacts to traffic at intersections that may require additional management; as such, the proposed code does not include these areas (but could potentially be amended in the future to include them).

Scenarios testing receiving area blocks 1–4, 6, and 13–16 show minor differences in LOS results with the Final EIS, and are very close to LOS standards; it is anticipated that no substantial changes would be necessary to achieve the desired LOS in the Final EIS results. The City's concurrency process and design standards will require a transportation impact analysis to confirm LOS is met for future projects. This along with the planned action trip cap and mitigation are anticipated to achieve Final EIS results.

Given the City LOS standards, concurrency process, and planned action trip cap and mitigation, plus the restriction of TDR receiving areas in Blocks 9–11, the TDR proposal is not anticipated to result in transportation impacts beyond that of the Final EIS.

Exhibit 1. Transportation Block Map



Source: Fehr & Peers, 2021.

Signature


Addendum Finding: The purpose of an addendum is to provide additional information or analysis that does not substantially change the analysis of significant impacts and alternatives in the existing environmental document. The proposal for the TDR code was anticipated in the Subarea Plan and is similar to the Preferred Alternative studied in the Final EIS; resulting impacts, code requirements, and planned action mitigation still apply.

Addendum Prepared by:

Lisa Grueter, AICP, BERK Consulting, Inc.

Date: April 3, 2023

City of Bothell, SEPA Responsible Official:

Signature: 

Date: 05-16-2023

Attachment A

July 27, 2022 Canyon Park Transfer of Development Rights –
Transportation Analysis by Fehr & Peers

Memorandum

Date: Revised July 27, 2022
To: Andrew Bjorn, BERK Consulting
From: Kendra Breiland and Carmen Kwan, Fehr & Peers
Subject: **Canyon Park Transfer of Development Rights – Transportation Analysis**

We have reviewed the potential effects of transferring development rights from Site 7 to potential receiving sites within the Canyon Park Subarea Plan. This analysis was conducted based on direction received from BERK Consulting on August 13, 2021 (**Attachment A**). This memo documents our analysis and findings for scenarios.

Analysis

Fehr & Peers evaluated four potential scenarios:

- **Scenario 1:** Site 7 receives less development intensity, due to the placement of the Sound Transit maintenance facility, and an additional 250 units of multifamily development occurs in the vicinity of Thrasher's Corner (superblocks 1-4)
- **Scenario 2:** Site 7 receives less development intensity, due to the placement of the Sound Transit maintenance facility, and an additional 250 units of multifamily development occurs in the vicinity of SR 527 Canyon Park east side (superblock 6)
- **Scenario 3:** Site 7 receives less development intensity, due to the placement of the Sound Transit maintenance facility, and an additional 250 units of multifamily development occurs in the vicinity of SR 527/228th St SE (superblocks 13-16)
- **Scenario 4:** Site 7 receives less development intensity, due to the placement of the Sound Transit maintenance facility, and an additional 220,000 square feet of office development occurs in the vicinity of SR 527 Canyon Park west side (superblock 5)



Trip Generation

To analyze each of these scenarios, we calculated the difference in trip generation for each site compared to what was assumed in the December 2020 Final Canyon Park Subarea Planned Action EIS. The calculation included the following steps:

- **Step 1: Reduction in trips from Site 7, which was applied to all scenarios:**
 - Implementation of the Sound Transit Bus Base North Project would displace 625 office jobs compared to what was assumed in the EIS (see Attachment A). While the Bus Base North Project will include 250 jobs, these jobs will have a very different trip generation profile than the office uses previously assumed.
 - To calculate the removal of trips related to office uses, we converted the office jobs to office square footage, by assuming 4 jobs per 1,000 square feet. Thus, the amount of office square footage removed was 156,000 square feet.
 - Using the Institute of Transportation Engineers Trip Generation Manual 10th Edition, General Office (Land Use 710), that land use reduction is associated with a reduction of 179 PM peak hour trips (28 entering and 151 exiting).
 - The PM peak hour trips associated with the Sound Transit Bus Base North project were then added back in: 35 total trips (15 entering and 20 exiting).
 - **The total reduction in PM peak hour trips from Site 7 was 144 trips (8 fewer entering, and 136 fewer leaving)**
- **Step 2: Calculate increase in trips related to 250 multifamily units which would occur at various locations in scenarios 1, 2, and 3:**
 - To calculate the increase in trips related to 250 multifamily units, we again applied the Institute of Transportation Engineers Trip Generation Manual 10th Edition, Mid-Rise Apartment Rate (Land Use 221), to estimate an increase of 110 PM peak hour trips (67 entering and 43 exiting).
 - **The total increase in PM peak hour trips was 110 trips (67 entering and 43 exiting), which was applied to Thrasher's Corner: superblocks 1–4 in Scenario 1, SR 527 Canyon Park (east side): superblock 6 in Scenario 2, and SR 527/228th St SE: superblocks 13–16 in Scenario 3.**
- **Step 3: Calculate increase in trips related to 225,000 square feet of office development that would occur in the vicinity of SR 527 Canyon Park (west side): superblock 5 in Scenario 4.**
 - To calculate the increase in trips related to 225,000 square feet of office development, multifamily units, we again applied the Institute of Transportation Engineers Trip Generation Manual 10th Edition, General Office (Land Use 710), that land use reduction is associated with an increase of 259 PM peak hour trips (41 entering and 218 exiting).



- **The total increase in PM peak hour trips was 259 trips (41 entering and 218 exiting), which was applied in the vicinity of SR 527 Canyon Park (west side): superblock 5 in Scenario 4.**

Traffic Analysis

The next step was to distribute the changes in trips from each site following the trip distribution assumptions documented in the December 2020 Final Canyon Park Subarea Planned Action EIS and evaluate whether the revised trip assignments under each scenario resulted in meaningful differences in traffic operations compared to the FEIS Preferred Scenario for the horizon year 2043.

Findings

This section reports the findings of our analysis comparing the performance of transportation facilities under the above scenarios to the FEIS Preferred Scenario for the horizon year 2043.

Public Road Intersection Performance

Table 1 compares PM peak hour traffic operations at intersections studied in the FEIS among the following scenarios: FEIS 2043 Preferred Alternative and Scenarios 1-4. Intersection level of service and delay results were calculated using the same methods applied for the FEIS, which applied HCM 2000 methods, unless otherwise noted.

As the table shows, intersection level of service results were very similar between the Preferred Alternative and the four scenarios. There were only two locations where the scenarios resulted in new LOS F operations that were not reported for the Preferred Alternative:

- **228th Street SE & 31st Avenue SE:** LOS F operations for scenarios 3 and 4. The FEIS reported that this intersection would operate at LOS E in 2043 under the Preferred Alternative. Additional trips in superblocks 13–16 in Scenario 3 and more office-oriented development in superblock 5 under Scenario 4 would likely send more trips down 228th Street SE, impacting this intersection.
- **214th Street SE & SR 527:** LOS F operations for scenario 4. Additional trips related to more office-oriented development in superblock 5 would send more trips through this intersection.

The table also notes locations and scenarios where average intersection delays increased by more than 10 seconds. These locations are noted with italicized and underlined text.



Table 1: PM Peak Hour Level of Service - Intersections

<i>Intersection</i>	<i>Preferred Alternative</i>		<i>Scenario 1</i>		<i>Scenario 2</i>		<i>Scenario 3</i>		<i>Scenario 4</i>	
	<i>Delay</i>	<i>LOS</i>	<i>Delay</i>	<i>LOS</i>	<i>Delay</i>	<i>LOS</i>	<i>Delay</i>	<i>LOS</i>	<i>Delay</i>	<i>LOS</i>
208th Street/SR 524 & Filbert Dr	62	E	65.5	E	66.1	E	67.9	E	67.9	E
208thSt SE/SR 524 & SR-527*	70	E	73.3	E	67.4	E	67.7	E	67.5	E
228thSt SE & 4th Ave W	22	C	22.9	C	22.2	C	22.5	C	22.5	C
228thSt SE & Meridian Ave*	37	B	36.7	D	36.7	D	36.9	D	36.8	D
228thSt SE & 4th Ave SE*	18	B	21.3	C	18.8	B	18.8	B	18.8	B
228thSt SE & 9thAve SE	76	E	76	E	75.1	E	76.3	E	76.3	E
228thSt SE & Bothell-Everett Highway	130	F	136.3	F	138.4	F	135.8	F	135.8	F
228thSt SE & 15thAve SE	17	B	25.2	C	25.1	C	26.5	C	26.5	C
228thSt SE & 19thAve SE*	58	E	58	E	58.6	E	59.4	E	58.5	E
228thSt SE & Fitzgerald Rd	63	E	60.3	E	61.2	E	61.3	E	61.3	E
228thSt SE & 29thDr SE*	46	D	45.5	D	45.7	D	45.7	D	46.4	D
228thSt SE & 31stAve SE*	76	E	78.2	E	78.6	E	81.5	F	80	F
228thSt SE & 35thAve SE	40	D	49.1	D	49.1	D	50	D	50	D
228thSt SE & 39thAve SE*	53	D	53.9	D	54.3	D	54.1	D	53.9	D
214thSt SE & SR-527*	53	D	46.4	D	46.4	D	47.1	D	141.5	F
220thSt SE & SR-527	123	F	131.9	F	<u>136</u>	<i>E</i>	<u>138.2</u>	<i>E</i>	<u>144.1</u>	<i>E</i>
I-405 NB Ramps & SR-527	109	F	77.9	E	79.8	E	106	F	89.6	F
I-405 SB Ramps & SR-527*	8	A	7.7	A	7.8	A	12.3	B	7.6	A
240thSt SE & Bothell-Everett Highway	47	D	42.6	D	42.9	D	43.6	D	43.6	D
NE 191stSt & Bothell Way	57	E	52.4	D	52.4	D	52.8	D	52.8	D
NE 185thSt & Bothell Way	55	E	57.3	E	57	E	56.9	E	56.9	E
NE 183rdSt & Bothell Way	16	B	20.5	C	19.7	C	19.6	C	19.6	C
Main St & Bothell Way	29	C	13.9	B	13.9	B	13.7	B	13.7	B
SR-522 & Bothell Way	61	E	60.5	E	60.7	E	61.4	E	61.4	E

Notes:

* Intersection level of service results reported with HCM 2010 methods for both the FEIS and this scenario analysis.

Source: Fehr & Peers, 2021.

Table 2 shows the vehicle-weighted average concurrency corridor LOS results for the Preferred Alternative and Scenarios 1-4. As there were relatively small changes in intersection LOS delay



between the scenarios evaluated, the total entering intersection volumes at each location were held constant to simplify the corridor LOS analysis (total corridor volumes may have varied by three percent or less between scenarios). All corridors are expected to operate at LOS E, with the scenarios' 1-4 corridor delays varying by a few seconds compared to the Preferred Alternative. In Scenario 4 the SR 527 corridor, adjacent to the added office development land use, had the largest increase in delay of eight seconds compared to the Preferred Alternative. Since the City's corridor LOS standard is E for all of the evaluated concurrency corridors, none of the scenarios would result in new LOS impacts at the corridor level.

Table 2: PM Peak Hour Level of Service - Corridors

Corridor	Preferred Alternative (LOS/Delay)	Scenario 1 (LOS/Delay)	Scenario 2 (LOS/Delay)	Scenario 3 (LOS/Delay)	Scenario 4 (LOS/Delay)
SR 524	E (66)	E (70)	E (67)	E (68)	E (68)
228th Street Corridor	E (62)	E (64)	E (65)	E (65)	E (65)
SR 527	E (71)	E (69)	E (69)	E (72)	E (79)

Source: Fehr & Peers, 2022.

Internal Roads Analysis

For the internal street analysis, our team considered how many additional trips would be entering the business park. Under Scenarios 1, 2, and 3, the transfer of development rights would result in a net reduction in trips entering the business park, since site 7 trips were decreasing by 144 trips in the PM peak hour and the 250 multifamily units would only add 110 trips, of which the majority would never enter the business park. Thus, these scenarios were determined to have a net positive impact on streets within the business park.

For scenario 4, we considered the impact of superblock 5 producing an additional 259 trips (218 out and 41 in). According to the Vistro model developed for the FEIS, only 33.71% outbound and 25% inbound trips associated with superblock 5 will use internal streets. Therefore, 73 outbound and 11 inbound additional trips will be added to the network.

We then calculated the reduction in trips related to Site 7: 144 trips (136 out and 8 in). Vistro shows that 53.52% outbound trips and 63.51% inbound trips associated with superblock 7 will use internal streets. Therefore, 73 outbound and 5 inbound additional trips will be removed from the network.



Once these two calculations were run, we found that trips removed and added will cancel out, and that Scenario 4 would result in adding 6 trips to internal streets beyond what was considered in the FEIS. Thus, Scenario 4 would have a similar effect on internal streets operations to what was evaluated for the Preferred Alternative in the FEIS.

Attachment B

April 27, 2022 Canyon Park Transfer of Development Rights – Draft code

Bothell Canyon Park TDR: Municipal Code for Implementation

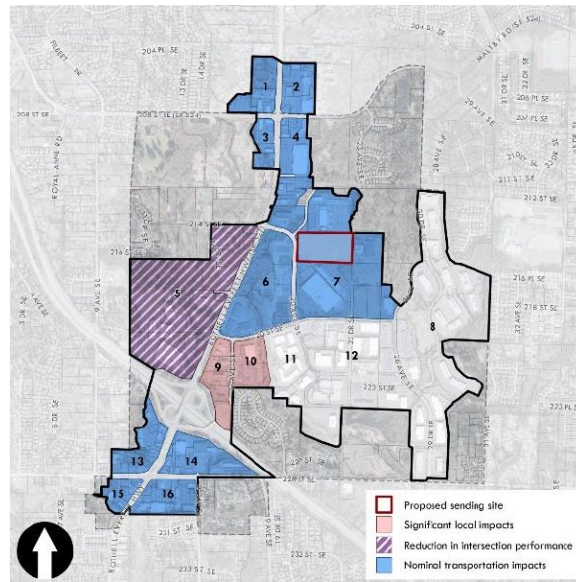
Working Draft | April 27, 2023

The following amendments are proposed to BMC Chapter 12.48 Canyon Park Subarea Regulations to implement a Transfer of Development Rights program.

12.48.180 Transfer of development rights.

- A. Purpose.** The purpose of the transfer of development rights (TDR) program in the Canyon Park Subarea is to advance the goals and policies in the city's Comprehensive Plan, including the Canyon Park Subarea Plan, regarding affordable housing, local employment, transit accessibility, and essential public facilities. It is also intended to help this area fulfill requirements under the Puget Sound Regional Council's Regional Growth Centers framework for planned target densities.
- B. Definitions.** Where used in BMC 12.48.180, the following terms shall have the meanings indicated below in this subsection.
1. "Certificate of TDR availability" refers to a document issued by the director confirming the development rights (including, but not limited to, increased floor area, and related off-street parking reductions) available on a sending site.
 2. "Certificate of TDR receipt" refers to a document issued by the director and executed, acknowledged, and recorded by the owners of a receiving site and a sending site to document the transfer or sale of development rights from a sending site to a receiving site.
 3. "Development rights" are the right of the owner of a sending site to develop building floor area on the sending site in accordance with **Chapter 12.48.140 BMC**, expressed as gross floor area square footage.
 4. "Director" means the community development director or their designee.
 5. A "Governmental owner" is either the State (or its agencies) or any county, municipal corporation, regional transit authority, or other governmental entity created under State law that owns a sending site.
 6. "Governmental restriction" means any law, regulation, or policy governing the surplus, sale, or transfer of a governmental owner's interests in real property.
 7. "Incentive" means the increased floor area, and related off-street parking reductions, available to a receiving site through a certificate of TDR receipt used in compliance with this section.
 8. "Receiving sites" are certain lots that are benefitted by a transfer of development rights from a sending site as evidenced by a certificate of TDR receipt. A sending site may also be a receiving site so long as the requirements of BMC 12.48.180(D) are met.
 9. "Sending sites" are those certain lots that are eligible to transfer development rights to a receiving site pursuant to this chapter.
 10. "TDR covenant" is a recorded document signed by the owner of the sending site and the director that evidences a severance of development rights appurtenant to the sending site.
- C. Sending Sites.**
1. Land is eligible for participation in the TDR program as a sending site if included in **Figure 12.48.180(C), Eligible Sending Sites**, and in compliance with all criteria in subsection (C)(2) of this section.

(Fig. 12.48.180(C) Eligible Sending Sites)

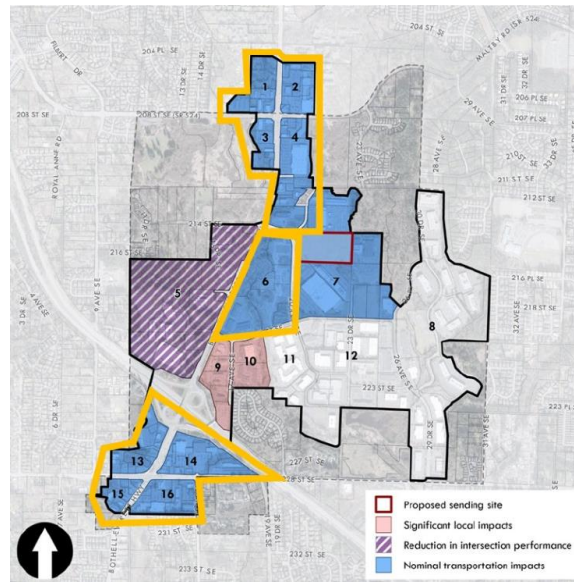


2. The following criteria must also be met:
 - a. The development rights available on the sending site under BMC Table 12.48.130 shall not have been either:
 - (1). Previously sold or otherwise permanently transferred by an owner of the sending site; or
 - (2). Restricted or otherwise encumbered by recorded easements, deed restrictions, equitable servitudes, or similar measures.
 - b. The sending site shall not include improvements that exceed the maximum base FAR for the site as defined under **Table 12.48.130**.
 - c. The land shall not have been granted a reasonable use exception under BMC 14.04.140. Nothing in this subsection shall require that a reasonable use exception equal the economic value of the development credits granted under this section.
 - d. If the owner of an eligible sending site is a governmental owner, the city cannot deny an application for a certificate of TDR availability (under BMC 12.48.180(F)) or refuse to sign a TDR covenant (under BMC 12.48.180(G)) due to any governmental restriction.
 - e. If the sending site owner is a governmental owner, the governmental owner and the city may enter into an interlocal agreement governing the severance and/or transfer of any development rights as authorized or required by this section. The interlocal agreement may also be used to calculate development rights appurtenant to any sending site covered by the interlocal agreement and may be considered as a certificate of TDR availability for the purposes of this chapter.

D. Receiving Sites.

1. Owners of lots depicted on **Figure 12.48.180(D), Eligible Receiving Sites** are eligible to apply to the city for participation in the TDR Program to obtain development rights as a receiving site. All prospective receiving sites must comply with the provisions in subsection (D)(2) of this section and any other eligibility criteria that may be established by the Director from time to time.

(Fig. 12.48.180(D) Eligible Receiving Sites) ****PLACEHOLDER MAP**** Receiving sites outlined in yellow.



2. Except as may otherwise be provided by the Incentives discussed in BMC 12.48.180(I), development of a receiving site shall remain subject to all applicable development regulations of the Bothell Municipal Code.

E. Calculating Development Rights.

1. Provided that compliance with the dimensional requirements contained in **Table 12.48.130** is achieved and maintained (except in the case of a development permitted to transfer development rights pursuant to BMC 12.48.140(B)(3)), the owner of a sending site is entitled to transfer or sell development rights to the owner of a receiving site, in increments of 1,000 square feet of floor area, for each 1,000 square feet of floor area that was allowed to be developed, but was not used, in the development of the sending site. Fractional transfers of less than 1,000 square feet of floor area are not allowed.
2. Development rights available for transfer from a sending site shall be calculated as follows:
 - a. The total area of critical areas, required buffer areas, and wetland mitigation areas located, or proposed to be located, on the sending site shall be subtracted from the total area of land in the sending site.
 - b. The number calculated in subsection (E)(2)(a) shall then be multiplied by the maximum base FAR for the underlying zone set forth in Table 12.48.130.
 - c. The net floor area associated with existing development on the sending site, or with pending applications for development on the sending site, shall then be subtracted from the number calculated in subsection (E)(2)(b), with the result being the development rights available for transfer from the sending site in increments of 1,000 square feet.

F. Certification of TDR Availability for Sending Sites.

1. Prior to the recording of a TDR covenant, or any transfer or sale of any development rights, the owner of a sending site must file an application with the city for the issuance of a certificate of TDR availability. The director shall establish the submittal requirements necessary for the application and any required application forms. If the owner of a sending site enters into an interlocal agreement with the city as provided in BMC 12.48.180(C)(3), it shall not be required to comply with this subsection.

2. The director will verify ownership and eligibility of the sending site and will calculate the quantity of development rights available for transfer in accordance with BMC 12.48.180(E). The director's review and issuance of a certificate of a certificate of TDR availability shall be a ministerial, Type I process under Title 11 BMC.
3. The director will issue the owner of the sending site a certificate of TDR availability stating the quantity of development rights the sending site is eligible to transfer.
4. A sending site for which the city has issued a certificate of TDR availability shall be limited to development consistent with the purpose and intent of this section and with the criteria originally used as the basis for issuing the sending site a certificate of TDR availability. Failure to use the sending site in a manner consistent with the original certification may result in the city, at the discretion of the director, refusing to sign a TDR covenant.
5. The certificate of TDR availability shall terminate when whichever of the following occurs first:
 - a. Five years from the date of issuance;
 - b. When there has been a formal severance of development rights from the sending site, as evidenced by the recording of a TDR covenant on title to the sending site; or
 - c. When the director determines, based on the requirements set forth in this chapter, that additional development of the sending site invalidates the assumptions underpinning the certificate of TDR availability.

G. *Severance of Development Rights from Sending Sites; Transfer of Development Rights to Receiving Sites.*

1. To complete a severance of development rights from a sending site, the director must have previously issued a certificate of TDR availability for the sending site. So long as the owner of the sending site is in possession of a valid certificate of TDR availability, when the owner of the sending site is prepared to sever development rights from a sending site, it shall execute, and the director shall be required to execute and record in the real property records of the county where the sending site is located, a TDR covenant to sever the development rights from the sending site.
2. The TDR covenant shall indicate the development rights to be formally severed from the sending site, measured in thousands of square feet, in accordance with the restrictions of BMC 12.48.180(1), and any restrictions conditioning the use of the development rights (including without limitation any applicable governmental restriction).
3. Any receiving site obtaining a transfer of development rights shall be issued a certificate of TDR receipt by the director, which shall be signed and acknowledged by the owners of both the sending site and the receiving site. The certificate of TDR receipt shall state the quantity of development rights granted to the receiving site, any restrictions conditioning the receiving site owner's use of the development rights granted therein (including without limitation any applicable governmental restriction), and shall be recorded in the real property records of the county where the sending site and the receiving site are located.
4. With the consent of the director, a certificate of TDR receipt held by the owner of a receiving site may be transferred one or more times to other eligible receiving sites. The director's consent shall be withheld only where the development rights to be transferred have been used completely by the receiving site, the prospective receiving site is ineligible as described in BMC 12.48.180(D), or where otherwise necessary to ensure compliance with this section. Any transfer of a certificate of TDR receipt shall be acknowledged by the transferor, the transferee, and the city and shall be recorded in the real property records of the county where the transferor and transferee receiving sites are located.
5. A building permit application submitted by the owner of a receiving site desiring to use development rights transferred under this section shall contain a statement describing the amount of transferred development rights

proposed to be used, how the development rights are proposed to be used, and how the use of transferred development rights meets the city's development standards and goals under the Canyon Park Subarea Plan.

6. Applicants are not required to own or control a certificate of TDR receipt at the time of applying for a discretionary land use approval. Any vested rights to which the applicant is entitled under state law shall not be affected by the presence or absence of a certificate of TDR receipt at the time a complete application is submitted. Instead, the city shall condition any discretionary land use approval on the applicant's receipt of all required development rights for the applicant's project prior to the city's issuance of any ministerial permits for the receiving site.
7. The city shall maintain a registry documenting the ownership history of all transferable development rights by serial number from when they are severed from the sending site to their use on a receiving site.

H. Sending Site Development Restrictions.

1. Upon the recording of a TDR covenant, the minimum FAR and the maximum base FAR under BMC 12.48.130 for the sending site shall be decreased by the amount development rights listed in the TDR covenant.
2. The owner of a sending site upon which a TDR covenant has been recorded shall not undertake any division, subdivision, or partitioning of the sending site, whether by physical or legal process, which includes, but is not limited to, any subdivision, short subdivision, platting, binding site plan, testamentary division, or other process by which the property is divided into lots or in which title to different portions of the sending site are not held in unified ownership, unless such land division allocates development restrictions between the divided parcels of property in a manner consistent with the terms of the TDR covenant and is approved of the director in their reasonable discretion.
3. The owner of a sending site upon which a TDR covenant has been recorded may elect to use some or all of the development rights previously severed from the sending site so long as the TDR covenant is formally amended or released in a recorded document signed by the owner of the sending site and the director. The director shall execute any such amendment or release requested by the owner of the sending site, so long as all of the development rights previously severed from the sending site have not been transferred or sold to another receiving site and the previously-severed development rights are needed to complete the construction of additional floor area on the sending site.

I. Receiving Site Incentives.

1. A certificate of TDR receipt held by the owner of a receiving site may be used, subject to the limitations of this section and other requirements in the Bothell Municipal Code, as authorization to construct additional commercial and residential floor area in exceedance of the maximum base FAR allowed on the receiving site under BMC 12.48.130, up to and including the square footage of floor area represented on the certificate(s) of TDR receipt to be used.
2. Additional floor area authorized via a certificate of TDR receipt that exceeds maximum base FAR defined in **Table 12.48.130** is exempted from providing the required minimum off-street parking spaces for this additional floor area as defined in **Table 12.48.250**. This exemption shall apply proportionately for the parking requirements for each use in the entire development provided under **Table 12.48.250**.

Note that the following changes to BMC 12.48 should be edited as follows:

12.48.130 Dimensional regulations for Canyon Park Subarea zone.

Measure	RMU-H	RMU-M	OR-H	OR-M	OR-L	E-M	E-L	Additional Provisions
DEVELOPMENT INTENSITY AND HEIGHT								
Minimum floor area ratio (FAR)	0.6	0.5	0.6	0.5	0.4	0.5	0.4	BMC 12.48.140.
Maximum base FAR	2.5	2	2.5	2	0.6	2	1	BMC 12.48.140.
Maximum FAR with incentives	There is no set maximum FAR for each zone other than those parameters set forth for the incentive provisions in 12.48.180 and 12.48.190.							
Maximum building height (feet)	85X	85X	85X	85X	55	100	100	BMC 12.14.110 and 12.14.120. X85' and no more than 7 stories.
Maximum building coverage (%)	There is no maximum percentage standard for building coverage and hard surface coverage. However, the building and hard surface coverage will be limited by setbacks, required landscaping and open space, compliance with storm water management provisions (see City of Bothell Storm Water Design Manual), critical areas provisions (see Chapter 14.04 BMC), and market conditions, and compliance with other zoning and site design regulations in this chapter.							
Maximum hard surface coverage (%)								
* * *								

12.48.140 Floor area ratio calculations.

* * *

J. Minimum FAR Applicability

1. Owners or developers of Essential public facilities, as defined by state and local regulations, that have demonstrated the facility cannot ~~feasibly or practicably~~ comply with the minimum floor area ratio requirements of this chapter shall be ~~required-permitted to develop such site with a floor area that is feasible and practicable for the proposed essential public facility. In this case, said owner or developer may sever development rights through the recording of a TDR covenant and~~ transfer or sell those development rights in accordance with the requirements of BMC 12.48.180 and in an amount ~~equal to determined by the Director, but no less than~~ the difference between the proposed floor area ~~for the essential public facility~~ and the ~~gross minimum~~ floor area ~~that otherwise would be~~ required ~~pursuant to the minimum floor area ratio requirements of~~ this chapter.

ORDINANCE NO. _____ (2023)

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, RELATING TO MINIMUM FLOOR AREA RATIOS IN THE CANYON PARK SUBAREA; ESTABLISHING A TRANSFER OF DEVELOPMENT RIGHT PROGRAM AS AN ALTERNATIVE MEANS OF COMPLYING WITH REQUIRED MINIMUM FLOOR AREA RATIOS; AMENDING BMC 12.48.140 AND BMC 12.48.180; PROVIDING FOR SEVERABILITY, CODIFICATION, CORRECTIONS, AND AN EFFECTIVE DATE.

WHEREAS, on December 15, 2020, the City Council passed Ordinance No. 2340, which adopted the Canyon Park Subarea Plan and recommended the development of a Transfer of Development Rights (TDR) program; and

WHEREAS, on February 15, 2022, the City Council initiated work on a TDR program for the Canyon Park Subarea as part of the 2022 Planning Docket; and

WHEREAS, on December 7, 2022, the Planning Commission conducted a public hearing on the proposed TDR program; and

WHEREAS, the Planning Commission recommended that the City Council adopt the proposed TDR program; and

WHEREAS, on May 16, 2023, the City Council held a study session on the proposed code amendments; and

WHEREAS, on June 6, 2023, the City Council held a public hearing on the proposed code amendments; and

WHEREAS, the City reviewed the code amendments relating to the use of private parking areas for outdoor dining in accordance with the Washington State Environmental Policy Act, Chapter 43.21C RCW, and Chapter 14.02 BMC (collectively “SEPA”); and

WHEREAS, on May 16, 2023, the City issued a Determination of Significance with Adoption of Existing Document and Addendum, with a comment period for environmental comments ending at 4:00 PM on May 30, 2023; and

WHEREAS, notice has been provided to the Washington State Department of Commerce in accordance with RCW 36.70A.106; and

WHEREAS, in accordance with RCW 36.70A.370, the City Attorney’s Office has reviewed the Attorney General’s Advisory Memorandum titled “Avoiding Unconstitutional Takings” and has concluded that this ordinance does not result in any unconstitutional taking of private property; and

WHEREAS, the City Council, after soliciting public testimony and deliberating, has determined that adoption of this ordinance is in the public interest.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 12.48.180 of the Bothell Municipal Code is hereby amended to read as follows:

~~Reserved~~

A. Purpose. The purpose of the transfer of development rights (TDR) program in the Canyon Park Subarea is to advance the goals and policies in the city’s Comprehensive Plan, including the Canyon Park Subarea Plan, regarding affordable housing, local employment, transit accessibility, and essential public facilities. It is also intended to help this area fulfill requirements under the Puget Sound Regional Council’s Regional Growth Centers framework for planned target densities.

B. Definitions. Where used in BMC 12.48.180, the following terms shall have the meanings indicated below in this subsection.

1. “Certificate of TDR availability” refers to a document issued by the director confirming the development rights (including, but not limited to, increased floor area, and related off-street parking reductions) available on a sending site.

2. “Certificate of TDR receipt” refers to a document issued by the director and executed, acknowledged, and recorded by the owners of a receiving site and a sending site to document the transfer or sale of development rights from a sending site to a receiving site.

3. “Development rights” are the right of the owner of a sending site to develop building floor area on the sending site in accordance with Chapter 12.48.140 BMC, expressed as gross floor area square footage.

4. “Director” means the community development director or their designee.

5. A “Governmental owner” is either the State (or its agencies) or any county, municipal corporation, regional transit authority, or other governmental entity created under State law that owns a sending site.

6. “Governmental restriction” means any law, regulation, or policy governing the surplus, sale, or transfer of a governmental owner’s interests in real property.

7. “Incentive” means the increased floor area, and related off-street parking reductions, available to a receiving site through a certificate of TDR receipt used in compliance with this section.

8. “Receiving sites” are certain lots that are benefitted by a transfer of development rights from a sending site as evidenced by a certificate of TDR receipt. A sending site may also be a receiving site so long as the requirements of BMC 12.48.180(D) are met.

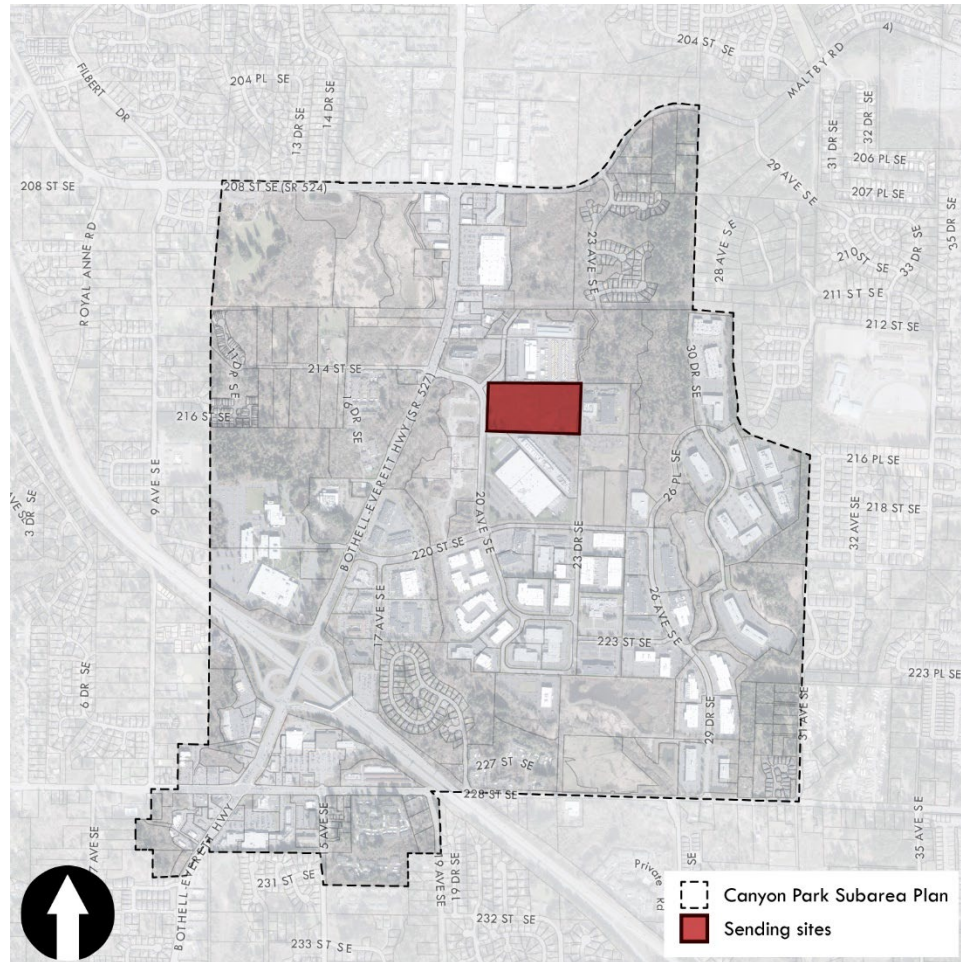
9. “Sending sites” are those certain lots that are eligible to transfer development rights to a receiving site pursuant to this chapter.

10. “TDR covenant” is a recorded document signed by the owner of the sending site and the director that evidences a severance of development rights appurtenant to the sending site.

C. Sending Sites.

1. Land is eligible for participation in the TDR program as a sending site if included in Figure 12.48.180(C), Eligible Sending Sites, and in compliance with all criteria in subsection (C)(2) of this section.

Fig. 12.48.180(C): Eligible Sending Sites



2. The following criteria must also be met:

a. The development rights available on the sending site under BMC Table 12.48.130 shall not have been either:

(1). Previously sold or otherwise permanently transferred by an owner of the sending site; or

(2). Restricted or otherwise encumbered by recorded easements, deed restrictions, equitable servitudes, or similar measures.

b. The sending site shall not include improvements that exceed the maximum base FAR for the site as defined under Table 12.48.130.

c. The land shall not have been granted a reasonable use exception under BMC 14.04.140. Nothing in this subsection shall require that a

reasonable use exception equal the economic value of the development credits granted under this section.

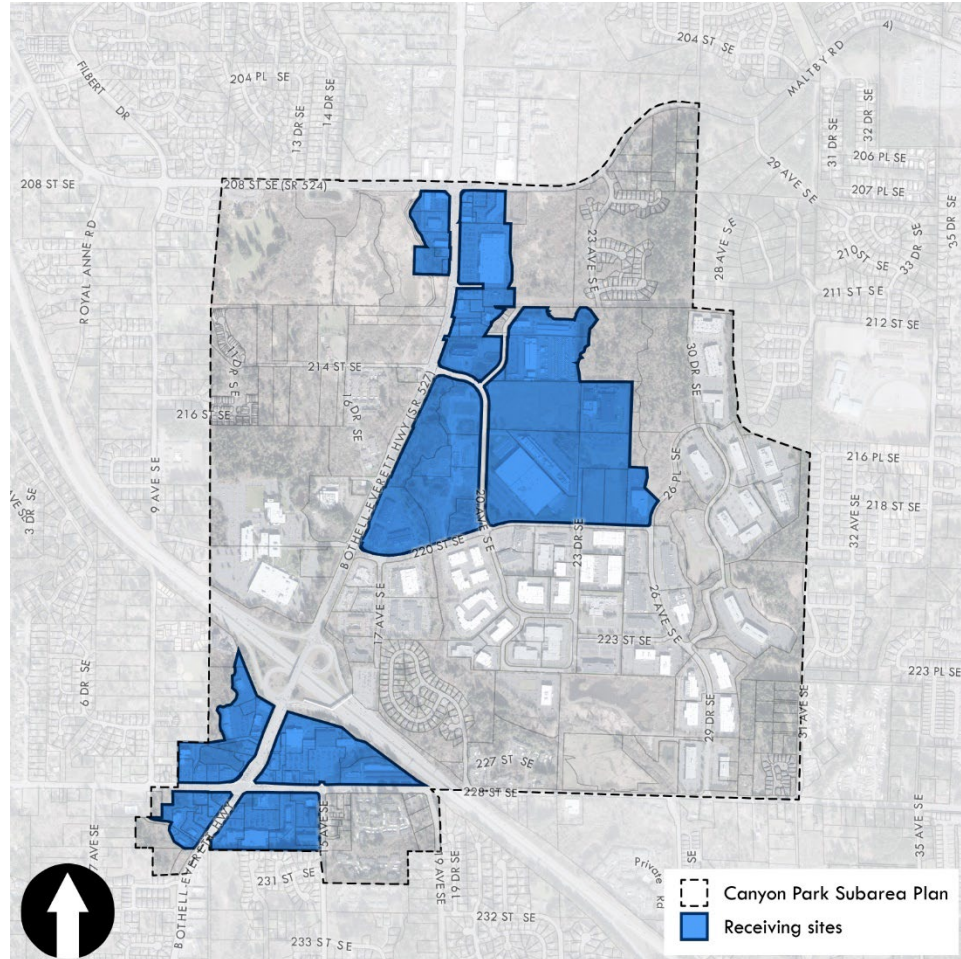
d. If the owner of an eligible sending site is a governmental owner, the city cannot deny an application for a certificate of TDR availability (under BMC 12.48.180(F)) or refuse to sign a TDR covenant (under BMC 12.48.180(G)) due to any governmental restriction.

e. If the sending site owner is a governmental owner, the governmental owner and the city may enter into an interlocal agreement governing the severance and/or transfer of any development rights as authorized or required by this section. The interlocal agreement may also be used to calculate development rights appurtenant to any sending site covered by the interlocal agreement and may be considered as a certificate of TDR availability for the purposes of this chapter.

D. Receiving Sites.

1. Owners of lots depicted on Figure 12.48.180(D), Eligible Receiving Sites are eligible to apply to the city for participation in the TDR Program to obtain development rights as a receiving site. All prospective receiving sites must comply with the provisions in subsection (D)(2) of this section and any other eligibility criteria that may be established by the Director from time to time.

Fig. 12.48.180(D): Eligible Receiving Sites



2. Except as may otherwise be provided by the Incentives discussed in BMC 12.48.180(l), development of a receiving site shall remain subject to all applicable development regulations of the Bothell Municipal Code.

E. Calculating Development Rights.

1. Provided that compliance with the dimensional requirements contained in Table 12.48.130 is achieved and maintained (except in the case of a development permitted to transfer development rights pursuant to BMC 12.48.140(B)(3)), the owner of a sending site is entitled to transfer or sell development rights to the owner of a receiving site, in increments of 1,000 square feet of floor area, for each 1,000 square feet of floor area that was allowed to be developed, but was not used, in the development of the sending site. Fractional transfers of less than 1,000 square feet of floor area are not allowed.

2. Development rights available for transfer from a sending site shall be calculated as follows:

a. The total area of critical areas, required buffer areas, and wetland mitigation areas located, or proposed to be located, on the sending site shall be subtracted from the total area of land in the sending site.

b. The number calculated in subsection (E)(2)(a) shall then be multiplied by the maximum base FAR for the underlying zone set forth in Table 12.48.130.

c. The net floor area associated with existing development on the sending site, or with pending applications for development on the sending site, shall then be subtracted from the number calculated in subsection (E)(2)(b), with the result being the development rights available for transfer from the sending site in increments of 1,000 square feet.

F. Certification of TDR Availability for Sending Sites.

1. Prior to the recording of a TDR covenant, or any transfer or sale of any development rights, the owner of a sending site must file an application with the city for the issuance of a certificate of TDR availability. The director shall establish the submittal requirements necessary for the application and any required application forms. If the owner of a sending site enters into an interlocal agreement with the city as provided in BMC 12.48.180(C)(3), it shall not be required to comply with this subsection.

2. The director will verify ownership and eligibility of the sending site and will calculate the quantity of development rights available for transfer in accordance with BMC 12.48.180(E). The director's review and issuance of a certificate of a certificate of TDR availability shall be a ministerial, Type I process under Title 11 BMC.

3. The director will issue the owner of the sending site a certificate of TDR availability stating the quantity of development rights the sending site is eligible to transfer.

4. A sending site for which the city has issued a certificate of TDR availability shall be limited to development consistent with the purpose and intent of this section and with the criteria originally used as the basis for issuing the sending site a certificate of TDR availability. Failure to use the sending site in a manner consistent with the original certification may result in the city, at the discretion of the director, refusing to sign a TDR covenant.

5. The certificate of TDR availability shall terminate when whichever of the following occurs first:

a. Five years from the date of issuance;

b. When there has been a formal severance of development rights from the sending site, as evidenced by the recording of a TDR covenant on title to the sending site; or

c. When the director determines, based on the requirements set forth in this chapter, that additional development of the sending site invalidates the assumptions underpinning the certificate of TDR availability.

G. Severance of Development Rights from Sending Sites; Transfer of Development Rights to Receiving Sites.

1. To complete a severance of development rights from a sending site, the director must have previously issued a certificate of TDR availability for the sending site. So long as the owner of the sending site is in possession of a valid certificate of TDR availability, when the owner of the sending site is prepared to sever development rights from a sending site, it shall execute, and the director shall be required to execute and record in the real property records of the county where the sending site is located, a TDR covenant to sever the development rights from the sending site.

2. The TDR covenant shall indicate the development rights to be formally severed from the sending site, measured in thousands of square feet, in accordance with the restrictions of BMC 12.48.180(1), and any restrictions conditioning the use of the development rights (including without limitation any applicable governmental restriction).

3. Any receiving site obtaining a transfer of development rights shall be issued a certificate of TDR receipt by the director, which shall be signed and acknowledged by the owners of both the sending site and the receiving site. The certificate of TDR receipt shall state the quantity of development rights granted to the receiving site, any restrictions conditioning the receiving site owner's use of the development rights granted therein (including without limitation any applicable governmental restriction), and shall be recorded in the real property records of the county where the sending site and the receiving site are located.

4. With the consent of the director, a certificate of TDR receipt held by the owner of a receiving site may be transferred one or more times to other eligible receiving sites. The director's consent shall be withheld only where the development rights to be transferred have been used completely by the receiving site, the prospective receiving site is ineligible as described in BMC 12.48.180(D), or where otherwise necessary to ensure compliance with this

section. Any transfer of a certificate of TDR receipt shall be acknowledged by the transferor, the transferee, and the city and shall be recorded in the real property records of the county where the transferor and transferee receiving sites are located.

5. A building permit application submitted by the owner of a receiving site desiring to use development rights transferred under this section shall contain a statement describing the amount of transferred development rights proposed to be used, how the development rights are proposed to be used, and how the use of transferred development rights meets the city's development standards and goals under the Canyon Park Subarea Plan.

6. Applicants are not required to own or control a certificate of TDR receipt at the time of applying for a discretionary land use approval. Any vested rights to which the applicant is entitled under state law shall not be affected by the presence or absence of a certificate of TDR receipt at the time a complete application is submitted. Instead, the city shall condition any discretionary land use approval on the applicant's receipt of all required development rights for the applicant's project prior to the city's issuance of any ministerial permits for the receiving site.

7. The city shall maintain a registry documenting the ownership history of all transferable development rights by serial number from when they are severed from the sending site to their use on a receiving site.

H. Sending Site Development Restrictions.

1. Upon the recording of a TDR covenant, the minimum FAR and the maximum base FAR under BMC 12.48.130 for the sending site shall be decreased by the amount development rights listed in the TDR covenant.

2. The owner of a sending site upon which a TDR covenant has been recorded shall not undertake any division, subdivision, or partitioning of the sending site, whether by physical or legal process, which includes, but is not limited to, any subdivision, short subdivision, platting, binding site plan, testamentary division, or other process by which the property is divided into lots or in which title to different portions of the sending site are not held in unified ownership, unless such land division allocates development restrictions between the divided parcels of property in a manner consistent with the terms of the TDR covenant and is approved of the director in their reasonable discretion.

3. The owner of a sending site upon which a TDR covenant has been recorded may elect to use some or all of the development rights previously severed from the sending site so long as the TDR covenant is formally amended or released in a recorded document signed by the owner of the sending site and

the director. The director shall execute any such amendment or release requested by the owner of the sending site, so long as all of the development rights previously severed from the sending site have not been transferred or sold to another receiving site and the previously-severed development rights are needed to complete the construction of additional floor area on the sending site.

I. Receiving Site Incentives.

1. A certificate of TDR receipt held by the owner of a receiving site may be used, subject to the limitations of this section and other requirements in the Bothell Municipal Code, as authorization to construct additional commercial and residential floor area in exceedance of the maximum base FAR allowed on the receiving site under BMC 12.48.130, up to and including the square footage of floor area represented on the certificate(s) of TDR receipt to be used.

2. Additional floor area authorized via a certificate of TDR receipt that exceeds maximum base FAR defined in Table 12.48.130 is exempted from providing the required minimum off-street parking spaces for this additional floor area as defined in Table 12.48.250. This exemption shall apply proportionately for the parking requirements for each use in the entire development provided under Table 12.48.250.

Section 2. Subsection 12.48.140(B)(3) of the Bothell Municipal Code is hereby amended to read as follows:

~~3. Essential public facilities, as defined by state and local regulations, that have demonstrated the facility cannot comply with the minimum floor area ratio requirements of this chapter shall dedicate credits (in units to be determined), in accordance with the requirements of BMC 12.48.190, in an amount equal to the difference between the proposed floor area and the minimum floor area required by this chapter.~~

3. Owners or developers of essential public facilities, as defined by state and local regulations, that have demonstrated the facility cannot feasibly or practicably comply with the minimum floor area ratio requirements of this chapter shall be permitted to develop such site with a floor area that is feasible and practicable for the proposed essential public facility. In this case, said owner or developer shall sever development rights through the recording of a TDR covenant and transfer or sell those development rights in accordance with the requirements of BMC 12.48.180 in an amount equal to the difference between the proposed floor area for the essential public facility and the gross floor area that otherwise would be required pursuant to the minimum floor area ratio requirements of this chapter.

Section 3. Table 12.48.130 of the Bothell Municipal Code is hereby amended to read as follows:

12.48.130 Dimensional regulations for Canyon Park Subarea zone.

Measure	RMU-H	RMU-M	OR-H	OR-M	OR-L	E-M	E-L	Additional Provisions
DEVELOPMENT INTENSITY AND HEIGHT								
Minimum floor area ratio (FAR)	0.6	0.5	0.6	0.5	0.4	0.5	0.4	BMC 12.48.140.
Maximum base FAR	2.5	2	2.5	2	0.6	2	1	BMC 12.48.140.
Maximum FAR with incentives	There is no set maximum FAR for each zone other than those parameters set forth for the incentive provisions in BMC 12.48.150, <u>12.48.180</u> , and <u>12.48.190</u> .							
Maximum building height (feet)	85X	85X	85X	85X	55	100	100	BMC 12.14.110 and 12.14.120. X85' and no more than 7 stories.
Maximum building coverage (%)	There is no maximum percentage standard for building coverage and hard surface coverage. However, the building and hard surface coverage will be limited by setbacks, required landscaping and open space, compliance with storm water management provisions (see City of Bothell Storm Water Design Manual), critical areas provisions (see Chapter 14.04 BMC), and market conditions, and compliance with other zoning and site design regulations in this chapter.							
Maximum hard surface coverage (%)								
* * *								

Section 4. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 5. CODIFICATION. This ordinance amends the language of the Bothell Municipal Code and such amendments shall be codified. New text is shown by underline. Deletions are shown by ~~strike through~~. All other text of the sections or subsections of the Bothell Municipal Code modified by this ordinance shall remain unchanged and in full force, including those portions of sections or subsections that are omitted in the text herein as indicated by three asterisks (i.e., * * *).

Section 6. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Section 7. EFFECTIVE DATE. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

MASON THOMPSON
MAYOR

ATTEST/AUTHENTICATED:

LAURA HATHAWAY
CITY CLERK

APPROVED AS TO FORM:

PAUL BYRNE
CITY ATTORNEY

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO.: _____ (2023)

SUMMARY OF ORDINANCE NO. _____ (2023)

City of Bothell, Washington

On the XX day of XX, 2023, the City Council of the City of Bothell passed Ordinance No. XX (2023). A summary of the content of said Ordinance, consisting of the title, is provided as follows:

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, RELATING TO MINIMUM FLOOR AREA RATIOS IN THE CANYON PARK SUBAREA; ESTABLISHING A TRANSFER OF DEVELOPMENT RIGHT PROGRAM AS AN ALTERNATIVE MEANS OF COMPLYING WITH REQUIRED MINIMUM FLOOR AREA RATIOS; AMENDING BMC 12.48.140 AND BMC 12.48.180; PROVIDING FOR SEVERABILITY, CODIFICATION, CORRECTIONS, AND AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

LAURA HATHAWAY
CITY CLERK

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO.: _____ (2023)



City of Bothell™

City Council
Agenda Bill
AB # 23-083

TO: Mayor Thompson and Members of the Bothell City Council

FROM: Jason Greenspan, Director of Community Development
Kirsten Mandt, Senior Planner, Community Development (Presenter)

DATE: June 6, 2023

SUBJECT: Public Hearing to Review Planning Commission Findings and Recommendations on Proposed Outdoor Dining Regulations.

COUNCIL ACTION: This item asks the City Council hold a public hearing on the proposed changes to the Bothell Municipal Code and associated ordinance as drafted by city staff and city legal counsel regarding Outdoor Dining Regulations. After the public hearing, staff seeks feedback to bring final action for Council consideration at a future meeting.

At the May 9, 2023 study session, Council reviewed the proposed code changes as recommended by the Planning Commission. No changes were requested and Council directed staff to return with the public hearing on June 6, 2023.

HISTORY:	DATE	ACTION
	JUNE 9, 2020	City Council adopted an interim ordinance permitting outdoor dining in parking spaces on private property.
	NOVEMBER 15, 2022	City Council adopts most recent extension of the interim ordinance directing staff to develop permanent regulations that will supersede the ordinance.
	MARCH 1, 2023	Planning Commission study session to review proposed code changes to make outdoor dining in parking spaces on private property permanent.
	APRIL 19, 2023	Planning Commission holds a public hearing and approved the recommendation regarding code changes for outdoor dining regulations.
	MAY 9, 2023	City Council study session to review Planning Commission's findings and recommendation. Council directs staff to return with a public hearing with no

requested changes to the proposed code amendments.

Council adopted the initial interim ordinance to permit outdoor dining in parking spaces on private property temporarily on June 9, 2020 in response to Covid-19 indoor dining restrictions. Those interim controls were renewed several times with the last extension in November 2022. As a part of the November 2022 extension, the ordinance extension shall thereafter expire after an additional six-month period, unless further extended or superseded by action of the City Council, whichever occurs first. In November 2022 City Council provided staff direction to move forward with permanent ordinance to allow outdoor dining in parking areas.

The proposed code amendments would allow outdoor dining in parking spaces on private property citywide. In general, outdoor dining spaces would be allowed when under 1,000 SF and would not trigger additional parking requirements. As written, the two existing outdoor dining spaces in downtown comply with the proposed zoning code. If approved by City Council, both businesses will need to complete the building permit process to make these temporary structures permanent.

Planning Commission held a study session on March 1, 2023 to review proposed code changes and a public hearing on April 19, 2023 with the conclusions and recommendation. Planning Commission voted to approve the recommended findings and conclusions by a 7-0 vote.

City Council held a study session on May 9, 2023 to review Planning Commissions findings and recommendation. No changes were requested and Council directed staff to return with a public hearing on June 6, 2023.

DISCUSSION: Included in the attachments are a copy of the proposed code amendments as drafted by staff and recommended by Planning Commission along with the adopting ordinance as drafted by city legal staff with planning staff, the findings reviewed with Planning Commission at the April 19, 2023 Public Hearing that include the revisions confirmed at the Public Hearing, and one public comment received prior to the March 1, 2023 study session with Planning Commission.

FISCAL IMPACTS: No fiscal impacts are associated with the proposed code amendments

ATTACHMENTS:	Att-1.	Outdoor Dining Proposed Code Amendments
	Att-2.	Outdoor Dining Proposed Adopting Ordinance
	Att-3.	Planning Commission Findings Outdoor Dining
	Att-4.	Public Comment: Harkonen

RECOMMENDED ACTION:	Staff request that Council hold a public hearing on the proposed changes to the Bothell Municipal Code and associated ordinance as drafted by city staff and city legal counsel regarding Outdoor Dining Regulations. After the public hearing, staff seeks feedback to bring final action for Council consideration at a future meeting.
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Outdoor Dining DRAFT Code Amendments

Draft code amendments for outdoor dining are included below with proposed new text underlined and deleted text stricken, annotated with text boxes like this one. New text box language since the last study session, if applicable, is in bold. Text in brackets [] is explanatory and will not be included in the regulations. Skipped sections are indicated by three asterisks:

* * *

As written, subsection A would require existing outdoor dining tents to comply with parking requirements in this chapter, including but not limited to, the provision of off-street parking spaces as they would be considered either new buildings or an enlargement of the existing building use. This additional language creates an exemption citywide for structures used for outdoor dining associated with existing businesses with a maximum square footage of 1,000 square feet. This allows existing outdoor dining structures such as those for Julio's and The Cottage to qualify for an exemption from this chapter.

Chapter 12.16 PARKING, LOADING, TRANSIT ACCESS AND PEDESTRIAN CIRCULATION

* * *

12.16.020 Authority and application.

A. Before an occupancy permit may be granted for any new or enlarged building or for a change of use in any existing building, the use shall be required to meet the provisions of this chapter.

1. Outdoor dining space structures of 1,000 square feet in area or less associated with existing businesses are exempt from the provisions of this chapter and do not constitute an expansion of the existing business.

B. If this chapter does not specify a parking requirement for a specific land use, the community development director shall establish the minimum requirement based on the requirement for a comparable use. If no such comparable use exists, the director may require the applicant to prepare a study of anticipated parking demand created by the proposed use. The applicant shall demonstrate that the parking demand for the specific land use will be satisfied. The study shall be prepared by a professional with expertise

in traffic and parking analysis, or an equally qualified individual authorized by the director.

C. If the required amount of off-street parking has been proposed to be provided off-site, and complies with requirements for off-site parking as set forth in this chapter, the applicant shall provide a satisfactory written contract with cooperating landowners showing the provision of adequate off-street parking. Said contract shall be reviewed and approved by the city attorney.

Subsection D was originally established by Ordinance 1629 in 1996. Staff feels that this language is not necessary as parking areas are not permitted to be changed into any other use unless expressly permitted by a permit or other development application. Staff also has concerned that this language could be construed to apply to any and all areas in the city that have previously been designated as off-street parking, which is in direct conflict with site redevelopment.

~~D. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere which meet the requirements of this chapter. (Ord. 1815 § 1, 2000; Ord. 1629 § 1, 1996).~~

12.16.030 Computation of required off-street parking spaces.

A. Except as modified under this section or BMC 12.16.040, off-street parking areas shall contain at a minimum the number of parking spaces as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the gross square footage. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down. The land uses below correspond to those listed in Chapter 12.06 BMC.

Further clarification within the computation of required off-street parking spaces table recommended for outlining eating and drinking establishment uses that do not require the provision of any additional parking spaces. Additional language was added as new subsection C to provide additional flexibility for determining if/when a new or additional use is similar enough to outdoor dining and other exempt uses to permit an exemption by the Director. Additional language added as subsection (D)(5) to further clarify that outdoor dining is also exempt from bicycle parking requirements. We are also proposing to label the table for easier reference, consistent with the naming convention of titles that currently label tables.

Table 12.16.030-1. Minimum Number of Required Parking Spaces

Land Use	Minimum Parking Spaces Required
Automotive, marine and heavy equipment services	1 per 400 square feet of gross floor area
Exception: Heavy equipment repair	1 per 300 square feet of office plus 0.9 per 1,000 square feet of indoor repair area
Business and personal services	1 per 300 square feet
Exception: Churches, temples, mosques and other religious facilities	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Exception: Mortuary services	1 per 50 square feet of chapel area
Exception: Veterinary clinics	1 per 300 square feet of office, labs and examination rooms
Eating and drinking establishments, not including vendor carts	1 per 75 square feet in dining or lounge areas; 1 per 300 square feet elsewhere
<u>Exception: Outdoor dining areas, and vendor trucks, carts, spaces, or stalls</u>	<u>None</u>
Education	1 per 300 square feet
Exception: Elementary and middle/junior high schools	1 per classroom plus 1 per 50 students
Exception: High schools	1 per classroom plus 1 per 10 students
Exception: High schools with stadiums	Greater of 1 per classroom plus 1 per 10 students or 1 per 3 fixed seats in stadium
Exception: Vocational-technical institutions	1 per classroom plus 1 per 5 students
Essential public facilities – to be determined in conjunction with development review	
Government services, general	1 per 300 square feet
Exception: Fire and police stations	Determined by community development director
Exception: Maintenance shops and vehicle and equipment parking and storage	1 per 300 square feet of offices plus 0.9 per 1,000 square feet of indoor storage or repair areas
Health and social services, not including day care centers in an existing church or school or residential care homes	1 per 300 square feet
Exception: Day care centers, independent	2 per facility plus 1 per each 20 children
Exception: Hospitals	1 per bed
Lodging	1 per bedroom
Exception: Campgrounds and recreational vehicle parks	Determined by community development director
Manufacturing, distribution, storage and warehousing	.9 per 1,000 square feet
Exception: Breweries and wineries	.9 per 1,000 square feet plus 1 per 50 feet of tasting area

Exception: Outdoor storage yards	1 per 300 square feet of office plus 0.9 per 1,000 square feet of storage area
Exception: Self-service warehouses	1 per 3,500 square feet of storage area plus 2 per caretaker's unit
Recreation, culture and entertainment	1 per 300 square feet
Exception: Bowling centers	5 per lane
Exception: Community centers used for assembly purposes	1 per 3 fixed seats plus 1 per 50 square feet without fixed seats
Exception: Golf courses	3 per hole plus 1 per 300 square feet of club house facilities
Exception: Golf driving ranges	1 per tee
Exception: Movie theaters	1 per 4 fixed seats
Residential uses, including only the following:	
Dormitories, fraternities and sororities	1 per 2 bedrooms
Dwelling units, accessory driveway	1 per accessory dwelling unit, located in a garage or on a driveway
Dwelling units, primary, detached, one unit per structure	3 per dwelling unit, which spaces shall consist of garage floor and/or driveway area
Dwelling units, primary, two or more units per structure	2 per dwelling unit, plus 1 guest parking stall for every 5 dwelling units
Micro-apartments	0.75 per dwelling unit
Mobile/manufactured home parks	2 per mobile/manufactured home
Nursing homes	1 per bed
Specialized senior housing	Base ratio is 1 per dwelling unit, which may be reduced to 1 per 1.5 dwelling units, in accordance with BMC <u>12.10.060</u>
Retail uses	1 per 300 square feet
Exception: Convenience stores	3 plus 1 per 350 square feet
Temporary uses	As determined by community development director. Spaces may not be paved
Uses not otherwise categorized	As determined by community development director

B. Where other provisions of this code stipulate maximum parking allowed or reduced minimum parking requirements, those provisions shall apply.

C. Parking minimums for uses not exempt per the table in subsection A, or that are not exempt from the requirements of Chapter 12.16 as noted in BMC 12.16.020(A)(1), may be waived per the discretion of the Community Development Director.

D. In any development required to provide six or more parking spaces, bicycle parking shall be provided. All bicycle parking facilities shall be securely anchored to the ground or to a structure.

1. Off-street parking areas shall contain at least one bicycle parking space for every 12 spaces required for motor vehicles, up to a maximum of 20 bicycle spaces.

2. Bicycle facilities for patrons shall be located within 100 feet of a building entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement. It is not necessary for all on-site bicycle spaces to be grouped in one central location.
3. All bicycle parking and storage shall be located in secure locations that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.
4. One indoor bicycle storage space shall be provided for every two dwelling units in multifamily residential uses, with the exception of specialized senior housing, unless individual garages are provided for every unit. The director may reduce the number of bike rack parking spaces if indoor storage facilities are available to all residents.
5. The square footage of any approved outdoor dining area structures is exempt from the provision of bicycle parking.

(Ord. 2360 § 3, 2021; Ord. 1815 § 1, 2000; Ord. 1629 § 1, 1996).

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Because we are proposing to allow outdoor dining in parking lot areas, staff suggests adding language to ensure that on-site landscaping that is required in parking lots is not removed without being provided elsewhere in order to not remove the benefits provided by landscaping such as visual relief, cooling, reduction of impacts to the stormwater system, and others.

12.18.090 Parking lot landscaping.

The following are minimum landscaping requirements relating to off-street parking areas for development other than single-family detached and two-family dwellings:

A. A five-foot-wide Type IV landscape strip around the outside perimeter of the parking area, except where required street frontage landscaping forms a portion of such perimeter.

B. If a parking lot contains at least 20 parking stalls, Type IV landscaping shall be installed as follows:

1. At least seven percent of the interior parking area shall be landscaped;
2. At least one interior landscape island for every 10 parking stalls shall be distributed throughout the parking lot;
3. At least one tree shall be provided in each landscape island peninsula;

4. A planting bed or landscape island peninsula shall be provided at the end of each parking row;
5. Landscaping shall not be installed so as to obstruct the view of or inhibit access to fire hydrants or other fire protection equipment;
6. All planting beds, landscape islands, and landscape peninsulas shall have a minimum dimension of five feet as measured from the interior of the curb;
7. LID BMPs such as bioretention facilities should be used within parking lot landscaping where feasible. Where bioretention facilities are located within parking lot landscaping, curb inlets shall be provided consistent with the city of Bothell design and construction development standards.
8. Use of parking lot area for outdoor dining facilities shall not result in a net loss of required landscaping. Removal of landscaping shall be avoided whenever possible. Any landscaping approved for removal shall be replaced in-kind elsewhere on-site as approved by the director.

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Similar to the Downtown Subarea, the Canyon Park Subarea has its own applicability regulations, separate from the citywide requirements. Language is proposed to clarify how that outdoor dining tents shall be not be considered Level 1 improvements and are exempt from the same regulations that would be applicable to other kinds of floor area increases.

12.48.010 Applicability.

B. *Additions and Improvements.* Three different thresholds have been established to determine how the regulations herein are applied to such projects:

1. Level I improvements include all exterior remodels, building additions, and/or site improvements that affect the exterior appearance of the building/site and/or cumulatively increase the gross floor area on a site less than 50 percent within three years of the date of permit issuance. The requirement for such improvements is only that the proposed improvements meet the regulations and do not lead to further nonconformance with the regulations.

For example, if a property owner decides to replace a building façade's siding, then the siding must meet the applicable exterior building material regulations, but elements such as building articulation would not be required.

Outdoor dining space structures of 1,000 square feet in area or less associated with existing businesses are exempt from the provisions of this chapter and do not constitute an expansion of the existing business.

2. Level II improvements include all improvements that cumulatively increase the gross floor area on a site by 50 percent to 100 percent, within three years of the date of permit issuance. All regulations that do not involve repositioning the building or reconfiguring site development must apply to Level II improvements.

For example, if a property owner of an existing business in the RMU-M zone wants to build an addition equaling 75 percent of the current building's footprint, then the following elements must apply:

- a. The location and design of the addition/remodel must be consistent with the block frontage design regulations in Article [IV](#) of this chapter, which addresses building frontages, entries, parking lot location, and street setback landscaping. For such developments seeking additions to buildings where off-street parking location currently does not comply with applicable parking location regulations, building additions are allowed provided they do not increase any current nonconformity and generally bring the project closer into conformance with the regulations.
- b. Comply with applicable through-block connection, trail, and off-street parking regulations (in Article [III](#) of this chapter) that are associated with the addition. The through-block connection and trail provisions would apply where such addition is located in the immediate area of such features shown in Figure 12.48.200.
- c. Comply with applicable block frontage regulations (in Article [IV](#) of this chapter) that are associated with the addition. The block frontage provisions would apply when such an addition is located adjacent to a particular designated block frontage shown in Figure 12.48.305.
- d. Comply with the site planning design regulations (in Article [V](#) of this chapter) associated with proposed site and building improvements.
- e. Comply with the applicable building design regulations (in Article [VI](#) of this chapter), except architectural scale and materials provisions related to the existing portion of the building where no exterior changes are proposed.
- f. Comply with applicable off-street parking, landscaping, and signage provisions that relate to proposed improvements.

3. Level III improvements include all improvements that cumulatively increase the gross floor area on a site by more than 100 percent within three years of the date of permit issuance. Such developments must conform to all applicable

regulations, except in a case where there are multiple buildings on one site, and only one building is being enlarged. In that scenario, improvements to the additional buildings are not required, but conformance with all other regulations apply.

* * *

Additional language added as subsection (B)(5) to carry over the citywide exemption language into the Downtown Subarea's applicability section.

12.64.001 Applicability.

The policies contained within this chapter shall apply as follows:

A. *New Construction.* All regulations in Chapter 12.64 BMC shall apply, except that within the Campus District (i) the regulations of Chapter 12.64 BMC shall apply only to the extent such regulations are identified in BMC 12.64.108 and (ii) the remaining regulations of this Chapter 12.64 BMC shall be used as guidance when the provisions of BMC 12.64.108 do not fully address an issue pertaining to a development proposal

B. *Additions and Improvements.*

1. These Downtown Subarea Regulations shall apply to significant additions constituting greater than 10 percent of a building's floor area OR exterior improvements costing more than 10 percent of a property's assessed value.
2. Requirements for renovation or enlargements shall only apply to net new floor area
3. Improvements and additions to existing buildings that increase non-conformities are not permitted.
4. If regulations to be applied to net new floor area are not specified in this chapter, then citywide regulations shall apply.
5. Outdoor dining space structures of 1,000 square feet in area or less associated with existing businesses are exempt from the provisions of this chapter and do not constitute an expansion of the existing business.

* * *

Language added for consistency with the added language in BMC 12.16.020(A) to exempt outdoor dining structures of 1,000 sf or less from parking requirements. Further, per the current regulations, the parcel containing Julios and the Cottage, which both currently have outdoor dining tents taking a total of 6 spaces, an allowance to use up to one-third of the minimum number of required spaces would bring that parcel into compliance. A total of 15 spaces would currently be required based on the net square footage noted by the King County Assessor. 10 spaces remain after accounting for the 6 spaces taken by the tents. If these spaces are still permitted to count towards the total, then a total of 17 spaces are on-site.

12.64.402 Provision of Parking.

A. The minimum parking provision for vehicles required by all new development and those proposing substantial modifications to existing buildings shall be as specified in BMC 12.64.100. District Requirements.

1. Outdoor dining space structures of 1,000 square feet in area or less associated with existing businesses are exempt from the provisions of this chapter and do not constitute an expansion of the existing business.

2. Up to one-third of the existing parking spaces may be utilized for outdoor dining area(s) without requiring the provision of additional parking area and/or fee in-lieu as detailed in subsection D to meet the minimum required number of parking spaces for the underlying use.

B. The maximum surface parking area permitted by all new development and those proposing substantial modifications to existing buildings shall not exceed that amount shown in BMC 12.64.100. District Requirements. Parking spaces exceeding the maximum permitted surface parking area provision may be provided in a parking structure, off-site, or as cash-in-lieu (see d. below).

C. New on-street parking spaces provided along a property's frontage on new streets (see BMC 12.64.301 Street Requirements) may be counted toward the minimum parking requirement for commercial development on that property.

D. All or part of the parking requirement for most retail (as specified in BMC 12.64.402 Provision of Parking chart for each district in BMC 12.64.100), civic and cultural, and office development may be satisfied through payment of in-lieu fees based on the current real cost of constructing a parking space in an exposed above-ground parking structure or in off-site locations as allowed in BMC 12.64.100. District Requirements

E. Reductions for shared use parking may be allowed for land uses as indicated in BMC 12.64.100. District Requirements and subject to the provisions of BMC 12.16.040 concerning shared parking.

ORDINANCE NO. _____ (2023)

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, RELATING TO THE USE OF PRIVATE PARKING AREAS FOR OUTDOOR DINING; AMENDING BMC 12.16.020, BMC 12.16.030, BMC 12.18.090, BMC 12.48.010, BMC 12.64.001, AND BMC 12.64.402; PROVIDING FOR SEVERABILITY, CODIFICATION, CORRECTIONS, AND AN EFFECTIVE DATE.

WHEREAS, on June 9, 2020, the City Council adopted Ordinance No. 2318, attempting to create an interim official control to authorize existing food and beverage establishments to use provide parking areas for outdoor dining; and

WHEREAS, under RCW 30.70A.390, a public hearing is required to be held on an interim official control within 60 days of adoption by the City Council; and

WHEREAS, no public hearing was held on Ordinance No. 2318 within 60 days of adoption by the City Council; and

WHEREAS, on December 1, 2020, the City Council adopted Ordinance No. 2335, establishing an interim official control that temporarily authorizes existing food and beverage establishments to use private parking areas for outdoor dining; and

WHEREAS, on December 1, 2020, the City Council held a public hearing on Ordinance No. 2335; and

WHEREAS, Ordinance No. 2335 took effect on December 9, 2020; and

WHEREAS, on June 1, 2021, the City Council held a public hearing on a proposed six-month extension of the interim official control adopted under Ordinance No. 2335; and

WHEREAS, on June 1, 2021, the City Council adopted Ordinance No. 2354, extending the interim official control adopted under Ordinance No. 2335 for an additional six-month period; and

WHEREAS, Ordinance No. 2354 took effect on June 9, 2021; and

WHEREAS, on November 16, 2021, the City Council held a public hearing on a proposed six-month extension of the interim official control adopted under Ordinance No. 2335; and

WHEREAS, on November 16, 2021, the City Council adopted Ordinance No. 2368, extending the interim official control adopted under Ordinance No. 2335 for an additional six-month period beginning on December 10, 2021; and

WHEREAS, on May 17, 2022, the City Council held a public hearing on a proposed six-month extension of the interim official control adopted under Ordinance 2335; and

WHEREAS, on May 17, 2022, the City Council adopted Ordinance No. 2377, extending the interim official control adopted under Ordinance No. 2335 for an additional six-month period beginning on June 10, 2022; and

WHEREAS, on November 15, 2022, the City Council held a public hearing on a proposed six-month extension of the interim official control adopted under Ordinance No. 2335; and

WHEREAS, on November 15, 2022, the City Council adopted Ordinance No. 2385, extending the interim official control adopted under Ordinance No. 2335 for an additional six-month period beginning on December 10, 2022; and

WHEREAS, the interim official control adopted under Ordinance No. 2335 expired on June 10, 2023; and

WHEREAS, on March 1, 2023, the Planning Commission held a study session on the proposed code amendments relating to the use of private parking areas for outdoor dining; and

WHEREAS, on April 19, 2023, the Planning Commission held a public hearing on the proposed code amendments; and

WHEREAS, on April 19, 2023, following the conclusion of the public hearing, the Planning Commission voted to recommend that the City Council adopt the code amendments as proposed; and

WHEREAS, the City reviewed the code amendments relating to the use of private parking areas for outdoor dining in accordance with the Washington State Environmental Policy Act, Chapter 43.21C RCW, and Chapter 14.02 BMC (collectively “SEPA”); and

WHEREAS, on May 16, 2023, the City issued a Determination of Non-Significance, with a comment period for environmental comments ending at 5:00 PM on June 6, 2023; and

WHEREAS, notice has been provided to the Washington State Department of Commerce in accordance with RCW 36.70A.106; and

WHEREAS, in accordance with RCW 36.70A.370, the City Attorney’s Office has reviewed the Attorney General’s Advisory Memorandum titled “Avoiding Unconstitutional Takings” and has concluded that this ordinance does not result in any unconstitutional taking of private property; and

WHEREAS, on June 6, 2023, the City Council held a duly noticed public hearing on the code amendments contained in this ordinance; and

WHEREAS, the City Council, after soliciting public testimony and deliberating, has determined that adoption of this ordinance is in the public interest.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 12.16.020 of the Bothell Municipal Code is hereby amended to read as follows:

12.16.020 Authority and application.

A. Before an occupancy permit may be granted for any new or enlarged building or for a change of use in any existing building, the use shall be required to meet the provisions of this chapter.

1. Outdoor dining space structures of 1,000 square feet in area or less associated with existing businesses are exempt from the provisions of this chapter and do not constitute an expansion of the existing business.

B. If this chapter does not specify a parking requirement for a specific land use, the community development director shall establish the minimum requirement based on the requirement for a comparable use. If no such comparable use exists, the director may require the applicant to prepare a study of anticipated parking demand created by the proposed use. The applicant shall demonstrate that the parking demand for the specific land use will be satisfied. The study shall be prepared by a professional with expertise in traffic and parking analysis, or an equally qualified individual authorized by the director.

C. If the required amount of off-street parking has been proposed to be provided off-site, and complies with requirements for off-site parking as set forth in this chapter, the applicant shall provide a satisfactory written contract with cooperating landowners showing the provision of adequate off-street parking. Said contract shall be reviewed and approved by the city attorney.

~~D. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere which meet the requirements of this chapter.~~

Section 2. Section 12.16.030 of the Bothell Municipal Code is hereby amended to read as follows:

A. Except as modified under this section or BMC 12.16.040, off-street parking areas shall contain at a minimum the number of parking spaces as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the gross square footage. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down. The land uses below correspond to those listed in Chapter 12.06 BMC.

Land Use	Minimum Parking Spaces Required
Automotive, marine and heavy equipment services	1 per 400 square feet of gross floor area
Exception: Heavy equipment repair	1 per 300 square feet of office plus 0.9 per 1,000 square feet of indoor repair area
Business and personal services	1 per 300 square feet
Exception: Churches, temples, mosques and other religious facilities	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Exception: Mortuary services	1 per 50 square feet of chapel area
Exception: Veterinary clinics	1 per 300 square feet of office, labs and examination rooms
Eating and drinking establishments, not including vendor carts	1 per 75 square feet in dining or lounge areas; 1 per 300 square feet elsewhere

Land Use	Minimum Parking Spaces Required
<u>Exception: Outdoor dining areas and vendor trucks, carts, spaces, or stalls</u>	<u>None</u>
Education	1 per 300 square feet
Exception: Elementary and middle/junior high schools	1 per classroom plus 1 per 50 students
Exception: High schools	1 per classroom plus 1 per 10 students
Exception: High schools with stadiums	Greater of 1 per classroom plus 1 per 10 students or 1 per 3 fixed seats in stadium
Exception: Vocational-technical institutions	1 per classroom plus 1 per 5 students
Essential public facilities – to be determined in conjunction with development review	
Government services, general	1 per 300 square feet
Exception: Fire and police stations	Determined by community development director
Exception: Maintenance shops and vehicle and equipment parking and storage	1 per 300 square feet of offices plus 0.9 per 1,000 square feet of indoor storage or repair areas

Land Use	Minimum Parking Spaces Required
Health and social services, not including day care centers in an existing church or school or residential care homes	1 per 300 square feet
Exception: Day care centers, independent	2 per facility plus 1 per each 20 children
Exception: Hospitals	1 per bed
Lodging	1 per bedroom
Exception: Campgrounds and recreational vehicle parks	Determined by community development director
Manufacturing, distribution, storage and warehousing	.9 per 1,000 square feet
Exception: Breweries and wineries	.9 per 1,000 square feet plus 1 per 50 feet of tasting area
Exception: Outdoor storage yards	1 per 300 square feet of office plus 0.9 per 1,000 square feet of storage area
Exception: Self-service warehouses	1 per 3,500 square feet of storage area plus 2 per caretaker's unit
Recreation, culture and entertainment	1 per 300 square feet
Exception: Bowling centers	5 per lane

Land Use	Minimum Parking Spaces Required
Exception: Community centers used for assembly purposes	1 per 3 fixed seats plus 1 per 50 square feet without fixed seats
Exception: Golf courses	3 per hole plus 1 per 300 square feet of club house facilities
Exception: Golf driving ranges	1 per tee
Exception: Movie theaters	1 per 4 fixed seats
Residential uses, including only the following:	
Dormitories, fraternities and sororities	1 per 2 bedrooms
Dwelling units, accessory driveway	1 per accessory dwelling unit, located in a garage or on a driveway
Dwelling units, primary, detached, one unit per structure	3 per dwelling unit, which spaces shall consist of garage floor and/or driveway area
Dwelling units, primary, two or more units per structure	2 per dwelling unit, plus 1 guest parking stall for every 5 dwelling units
Micro-apartments	0.75 per dwelling unit
Mobile/manufactured home parks	2 per mobile/manufactured home
Nursing homes	1 per bed

Land Use	Minimum Parking Spaces Required
Specialized senior housing	Base ratio is 1 per dwelling unit, which may be reduced to 1 per 1.5 dwelling units, in accordance with BMC 12.10.060
Retail uses	1 per 300 square feet
Exception: Convenience stores	3 plus 1 per 350 square feet
Temporary uses	As determined by community development director. Spaces may not be paved
Uses not otherwise categorized	As determined by community development director

B. Where other provisions of this code stipulate maximum parking allowed or reduced minimum parking requirements, those provisions shall apply.

C. Parking minimums for uses not exempt per the table in subsection A, or that are not exempt from the requirements of Chapter 12.16 BMC as noted in BMC 12.16.020(A)(1), may be waived per the discretion of the Community Development Director.

DC. In any development required to provide six or more parking spaces, bicycle parking shall be provided. All bicycle parking facilities shall be securely anchored to the ground or to a structure.

1. Off-street parking areas shall contain at least one bicycle parking space for every 12 spaces required for motor vehicles, up to a maximum of 20 bicycle spaces.

2. Bicycle facilities for patrons shall be located within 100 feet of a building entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement. It is not necessary for all on-site bicycle spaces to be grouped in one central location.

3. All bicycle parking and storage shall be located in secure locations that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

4. One indoor bicycle storage space shall be provided for every two dwelling units in multifamily residential uses, with the exception of specialized senior housing, unless individual garages are provided for every unit. The director may reduce the number of bike rack parking spaces if indoor storage facilities are available to all residents.

5. The square footage of any approved outdoor dining area structures is exempt from the provision of bicycle parking.

Section 3. Section 12.18.090 of the Bothell Municipal Code is hereby amended to read as follows:

The following are minimum landscaping requirements relating to off-street parking areas for development other than single-family detached and two-family dwellings:

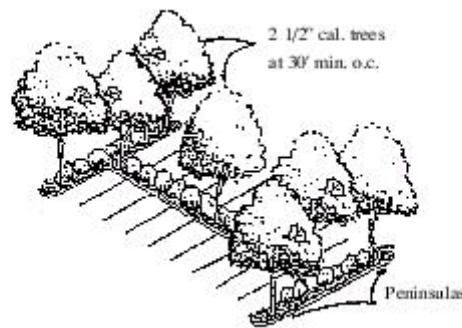
A. A five-foot-wide Type IV landscape strip around the outside perimeter of the parking area, except where required street frontage landscaping forms a portion of such perimeter.

B. If a parking lot contains at least 20 parking stalls, Type IV landscaping shall be installed as follows:

1. At least seven percent of the interior parking area shall be landscaped;
2. At least one interior landscape island for every 10 parking stalls shall be distributed throughout the parking lot;
3. At least one tree shall be provided in each landscape island peninsula;
4. A planting bed or landscape island peninsula shall be provided at the end of each parking row;
5. Landscaping shall not be installed so as to obstruct the view of or inhibit access to fire hydrants or other fire protection equipment;
6. All planting beds, landscape islands, and landscape peninsulas shall have a minimum dimension of five feet as measured from the interior of the curb;
7. LID BMPs such as bioretention facilities should be used within parking lot landscaping where feasible. Where bioretention facilities are located within parking lot landscaping, curb inlets shall be provided consistent with the city of Bothell design and construction development standards.

C. Use of parking lot area for outdoor dining facilities shall not result in a net loss of required landscaping. Removal of landscaping shall be avoided whenever possible. Any landscaping approved for removal shall be replaced in-kind elsewhere on-site as approved by the director.

Figure 12.18-6 Parking Area Landscaping



Section 4. Subsection 12.48.010(B)(1) of the Bothell Municipal Code is hereby amended to read as follows:

B. Additions and Improvements. Three different thresholds have been established to determine how the regulations herein are applied to such projects:

1. Level I improvements include all exterior remodels, building additions, and/or site improvements that affect the exterior appearance of the building/site and/or cumulatively increase the gross floor area on a site less than 50 percent within three years of the date of permit issuance. The requirement for such improvements is only that the proposed improvements meet the regulations and do not lead to further nonconformance with the regulations.

For example, if a property owner decides to replace a building façade's siding, then the siding must meet the applicable exterior building material regulations, but elements such as building articulation would not be required.

Outdoor dining space structures of 1,000 square feet in area or less associated with existing businesses are exempt from the provisions of this chapter and do not constitute an expansion of the existing business.

Section 5. Subsection 12.64.001(B) of the Bothell Municipal Code is hereby amended to read as follows:

B. Additions and Improvements.

1. These Downtown Subarea Regulations shall apply to significant additions constituting greater than 10 percent of a building's floor area OR exterior improvements costing more than 10 percent of a property's assessed value.
2. Requirements for renovation or enlargements shall only apply to net new floor area.
3. Improvements and additions to existing buildings that increase non-conformities are not permitted.
4. If regulations to be applied to net new floor area are not specified in this chapter, then citywide regulations shall apply.
5. Outdoor dining space structures of 1,000 square feet in area or less associated with existing businesses are exempt from the provisions of this chapter and do not constitute an expansion of the existing business.

Section 6. Subsection 12.64.402(A) of the Bothell Municipal Code is hereby amended to read as follows:

A. The minimum parking provision for vehicles required by all new development and those proposing substantial modifications to existing buildings shall be as specified in BMC 12.64.100. District Requirements.

1. Outdoor dining space structures of 1,000 square feet in area or less associated with existing businesses are exempt from the provisions of this chapter and do not constitute an expansion of the existing business.

2. Up to one-third of the existing parking spaces may be utilized for outdoor dining area(s) without requiring the provision of additional parking area and/or fee in-lieu as detailed in subsection D to meet the minimum required number of parking spaces for the underlying use.

Section 7. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 8. CODIFICATION. This ordinance amends the language of the Bothell Municipal Code and such amendments shall be codified. New text is shown by underline. Deletions are shown by ~~strike through~~. All other text of the sections or subsections of the Bothell Municipal Code modified by this ordinance shall remain unchanged and in full force, including those portions of sections or subsections that are omitted in the text herein as indicated by three asterisks (i.e., * * *).

Section 9. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Section 10. EFFECTIVE DATE. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

MASON THOMPSON
MAYOR

ATTEST/AUTHENTICATED:

LAURA HATHAWAY
CITY CLERK

APPROVED AS TO FORM:

PAUL BYRNE
CITY ATTORNEY

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO.: _____ (2023)

SUMMARY OF ORDINANCE NO. _____ (2023)

City of Bothell, Washington

On the XX day of June, 2023, the City Council of the City of Bothell passed Ordinance No. XX (2023). A summary of the content of said Ordinance, consisting of the title, is provided as follows:

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, RELATING TO THE USE OF PRIVATE PARKING AREAS FOR OUTDOOR DINING; AMENDING BMC 12.16.020, BMC 12.16.030, BMC 12.18.090, BMC 12.48.010, BMC 12.64.001, AND BMC 12.64.402; PROVIDING FOR SEVERABILITY, CODIFICATION, CORRECTIONS, AND AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

LAURA HATHAWAY
CITY CLERK

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO.: _____ (2023)

Proposed Code Amendments Regarding Outdoor Dining

Planning Commission Findings, Conclusions and Recommendation

Findings

1. **History.** This project resulted from direction by Planning Commission and City Council to make permanent the temporary allowance for outdoor dining first adopted under interim Ordinance 2318 on June 9th, 2020 due to the COVID-19 pandemic. This ordinance was subsequently renewed and is currently set to expire again on June 9th, 2023. The most recent ordinance, interim Ordinance 2372 included a directive to draft permanent regulations.
2. **Geographic Location.** The proposed code amendments would apply citywide. There are also proposed code amendments in the Canyon Park Subarea and the Downtown Subarea.
3. **Proposed Action.** The proposed code amendments would make permanent the allowance of structures no larger than 1,000 square feet without triggering additional compliance with the zoning code that business expansions typically require. These include:
 - a. Amend 12.16.020 to exempt outdoor dining structures from the provisions of the parking, loading, transit access and pedestrian circulation chapter.
 - b. Amend 12.16.030 to add table title 12.16.030-1 and clarify uses that do not require parking spaces, including outdoor dining areas.
 - c. Amend 12.18.090 to ensure no net loss of required landscaping.
 - d. Amend 12.48.010 to exempt outdoor dining structures from compliance with the Canyon Park Subarea regulations.
 - e. Amend 12.64.001 to exempt outdoor dining structures from compliance with the Downtown Subarea regulations.
 - f. Amend 12.64.402 to allow outdoor dining structures to be placed in existing parking spaces without providing additional parking spaces downtown.
4. **Public Meetings.** The Planning Commission held a study session on the proposed outdoor dining amendments on March 1, 2023 and a public hearing on April 19th, 2023.
5. **Public Notice.** Public notice for the proposed code amendments was provided through the following methods:
 - a. ***Imagine Bothell... notice.*** The City of Bothell provides a monthly notice to community members, interested parties and news media describing upcoming meetings and hearings and the topics of those meetings. This notice is provided at the end of the

month for the subsequent month's hearing schedule. The *Imagine Bothell...* notice also contains contact information.

- i. Notice of the public meeting dates for the proposed code amendment was published in the March and April 2023 editions of the *Imagine Bothell...* notice.
- ii. The *Imagine Bothell...* notice is sent via e-mail and/or regular U.S. Postal Service mail to all parties who have signed up for the service.
- iii. The *Imagine Bothell...* notice is published in the City's Newspaper of Record.
- iv. The *Imagine Bothell...* notice is also posted on the City's web page at www.bothellwa.gov.
- v. The *Imagine Bothell...* notice is also publicly posted at City Hall, and the Municipal Court Building.

6. **Specific Planning Commission Findings.** The Planning Commission makes the following specific findings regarding the proposed outdoor dining code amendments. These findings are based upon any public testimony the Planning Commission receives during the public hearing, information provided to the Planning Commission by staff, and Planning Commission deliberations.

a. Amend 12.16.020 to exempt outdoor dining structures from the provisions of the parking, loading, transit access and pedestrian circulation chapter.

BMC 12.16.020(A) requires that prior to the granting of an occupancy permit for any new or enlarged building, the use shall be required to meet the provisions of Chapter 12.16, Parking Loading, Transit Access and Pedestrian Circulation. Subsection D was also stricken as this language might create undue burden and confusion for any site that wants to redevelop. Required parking would be calculated at the time of redevelopment so this language is not necessary.

Planning Commission finds that in order to allow for existing outdoor dining structures permitted under the interim ordinance, additional language is needed in this section to exempt outdoor dining structures from being counted as an enlargement of the existing use, which would typically trigger the requirement for additional vehicle and parking spaces.

b. Amend 12.16.030 to add table title 12.16.030-1 and clarify uses that do not require parking spaces, including outdoor dining areas.

The table for the minimum number of parking spaces required for each land use type currently does not have a title, which has been added per best practices. The table currently has a standard for eating and drinking establishments, which only includes an exemption for vendor carts. Subsection C was also added to create the ability for a Director's Determination on parking exemptions when a proposed use is not clearly represented by any of the uses in the table. The provision of additional bicycle facilities was also exempted in new subsection BMC 12.16.030(D)(5).

Planning Commission finds that in order to clarify that there are eating and drinking establishment uses beyond just vendor carts that are exempt from minimum parking requirements, outdoor dining areas, vendor trucks, carts, spaces, or stalls have been added.

c. Amend 12.18.090 to ensure no net loss of required landscaping.

On-site landscaping provides a vital role in stormwater management, aesthetics, and provides for cooling. This amendment ensures that when placing outdoor dining structures in parking lots or other areas on private development sites, should any landscaping be removed in order to accommodate the structures, it must be provided in-kind on-site elsewhere

Planning Commission finds this amendment to be in accordance with best practices for maintaining adequate on-site landscaping and to maintain consistency with the current code.

d. Amend 12.48.010 to exempt outdoor dining structures from compliance with the Canyon Park Subarea regulations.

BMC 12.48.010 explains how to apply the Canyon Park Subarea Regulations to proposed development projects. There are three levels of improvements depending on the scope of a proposed project. Language was added under the Level I improvements section, which is the least intensive level of development, to clarify that outdoor dining structures of 1,000 square feet in area or less associated with existing business are exempt from the provisions of the chapter and do not constitute an expansion of the existing business.

Planning Commission finds that this amendment is necessary in order for the citywide exemption to also be explicitly applicable to proposed outdoor dining in Canyon Park, which for the most part has its own regulations unique to the subarea.

e. Amend 12.64.001 to exempt outdoor dining structures from compliance with the Downtown Subarea regulations.

Similar to the Canyon Park Subarea, the Downtown Subarea has an applicability section that directs the reader how to apply the regulations to proposed development in the Downtown Subarea. A new subsection was added to BMC 12.64.001(B), Additions and Improvements, to exempt outdoor dining structures from the provisions of the chapter and to clarify that they do not constitute an expansion of the existing business.

Planning Commission finds that this amendment is necessary in order for the citywide exemption to also be explicitly applicable to proposed outdoor dining in Downtown, which for the most part has its own regulations unique to the subarea.

- f. **Amend 12.64.402 to allow outdoor dining structures to be placed in existing parking spaces without providing additional parking spaces downtown.**

BMC 12.64.402 describes the general requirements for the provision of parking in the Downtown Subarea. Two new subsections are proposed to ensure compliance of existing outdoor dining structures and permit new outdoor dining structures in similar situations in the Downtown Subarea. BMC 12.64.402(A)(2) was added to clarify that outdoor dining structures are exempt from the provisions of the parking regulations chapter downtown, consistent with the exemptions in Canyon Park and in the citywide regulations. Additional language was added to clarify that outdoor dining structures may use up to one-third of existing parking spaces without needing to provide for those spaces elsewhere on-site or fee in-lieu in order to meet the minimum requirements for the underlying zones.

Planning Commission finds that this amendment is necessary in order to maintain consistency with the exemptions citywide for outdoor dining structures, and to continue the permitted use of existing outdoor dining structures that were permitted under the interim ordinance and its subsequent renewals.

7. **Department of Commerce Review.** The proposed Code amendments were sent to the Department of Commerce upon completion of the Planning Commission Study Session review and the 30-day expedited review was requested.

8. **State Environmental Policy Act (SEPA) Review.**

A SEPA checklist has been prepared and a SEPA case has been opened for review with the development review planning staff. SEPA shall be completed prior to holding the Public Hearing with City Council. Staff anticipates that a Determination of Nonsignificance will be issued.

9. **List of Exhibits.**

Att-1: A copy of the proposed code amendments

Att-2: A SEPA checklist reviewed by city staff was submitted to the Planning Commission as an exhibit to this document.

Att-3: One public comment was received prior to the study session on March 1st, 2023. That comment has also been included as an exhibit to this document.

Conclusions

1. The proposed Outdoor Dining Code Amendments have been drafted, noticed, reviewed by the public and considered by the Planning Commission in accordance with the applicable laws of the State of Washington and the City of Bothell.
2. The proposed Outdoor Dining Code Amendments are necessary to permit the continued use of outdoor dining facilities as permitted under interim Ordinance 2318 as adopted on June 9th, 2020 and as subsequently amended. These amendments are also necessary to meet the

directive of interim Ordinance 2372 to draft permanent regulations for outdoor dining facilities.

3. The proposed Outdoor Dining Code Amendments do not impact the allowance for outdoor dining facilities on the stretch of Main Street with moveable bollards that allow dining facilities in on-street parking areas. These spaces were designed and built to be used as outdoor dining facilities under the adopted Downtown Subarea Plan and are regulated under BMC Chapter 17.20.
4. The proposed Outdoor Dining Code Amendments are in the best interest of the public health, safety and welfare.

Recommendation

Based upon these findings and conclusions and the entire record, the Planning Commission recommends the City Council approve proposed Outdoor Dining Code Amendments as Exhibit A (draft ordinance forthcoming and to be provided to City Council) to these Findings, Conclusions and Recommendations.

Kirsten Mandt

From: Joanne Harkonen <outlook_6EEC5634B1D4DF12@outlook.com> on behalf of Joanne Harkonen <jomama2@frontier.com>
Sent: Wednesday, March 1, 2023 1:44 PM
To: Imagine Bothell
Subject: [EXTERNAL] outdoor dining in private parking lots

EXTERNAL EMAIL. THINK BEFORE YOU CLICK. Never click before carefully reading the message. When in doubt, contact IT.

Comparing the impact of the current two restaurants utilizing private parking areas for outside dining to the impact of extending that option to all restaurants in Bothell's central business district and the Canyon Park subarea is not wise planning without other considerations. The option was initiated early in the Covid pandemic when restaurants on Main Street between 101st and 102nd Avenues asked for permission to extend into the public street to accommodate outside dining. The two restaurants currently utilizing outside dining in private parking areas asked to be treated equally to the restaurants on Main Street. A serious consideration of the request to consider the extension of the usage of private parking for outside dining requires more comprehensive information and could logically be added to the 2024 Imagine Bothell Comprehensive Plan Periodic Update. Consideration would include:

1. How many other current restaurants would be interested in adopting this model?
2. Why is the option being limited to only the central business district and the Canyon Park subarea rather than all of Bothell's business areas? (the business parks, 522 toward Kenmore, businesses near the UW Bothell, etc)
3. How are other businesses in these areas being impacted?
4. Why should this option to use private parking areas for business purposes be limited only to restaurants? (This was mentioned in the City Council meeting that sent this item to the Planning Commission but is not included in this agenda)

Thank you,
Joanne Harkonen

Sent from [Mail](#) for Windows



City of Bothell™

City Council
Agenda Bill
AB # 23-084

TO: Mayor Thompson and Members of the Bothell City Council

FROM: Erin Leonhart, Public Works Director
Robert Holbrook, Surface Water Engineer (Presenter)

DATE: June 6, 2023

SUBJECT: Approval of Professional Services Agreement with Parametrix for the Design of the Canyon Ridge Estates Pond Retrofit

**POLICY
CONSIDERATION:**

This item asks the City Council to consider approval of an agreement for design improvements of the publicly maintained pond at Canyon Ridge Estates. If approved, the design will improve flow control and water quality treatment of road runoff along 23rd Ave SE which discharges to the Lower North Creek priority basin.

If not approved, the City will need to return the grant funds awarded by the Department of Ecology (Ecology) for this project and find another project to meet the City's requirement to improve stormwater treatment from existing development within this priority basin.

HISTORY:

DATE	ACTION
MARCH 2023	City of Bothell published the Stormwater Management Action Plan (SMAP) which includes the Canyon Ridge Estates Pond Retrofit.
OCTOBER 2022	City Council adopted the 2023-2029 Capital Facilities Plan (CFP) which includes SW2 Annual Storm and Surface Water Retrofit Capital Improvements
OCTOBER 2020	City Council adopted the 2021 Storm and Surface Water Master Plan Update
AUGUST 2019	Ecology issues current Phase II Municipal Stormwater Permit to the City of Bothell
FEBRUARY 2007	City of Bothell becomes a Phase II NPDES Permittee

DISCUSSION: Background

The mission of the City's storm and surface water utility is to promote public health, safety and welfare through a comprehensive approach to surface and stormwater management. The utility leads this effort by addressing basin planning, stormwater regulation, construction of facilities, storm system maintenance, public education and outreach, business inspection, spill response and reporting, instream monitoring, and other surface and storm water management services.

A major driver for the City's storm and surface water efforts are the Federal Clean Water Act's National Pollutant Discharge Elimination System (NPDES) permit requirements which come to us through the Phase II Municipal Permit from Ecology. One of the new requirements in the current permit is related to stormwater planning and requires development of a Stormwater Management Action Plan (SMAP- <https://www.bothellwa.gov/smap>).

A SMAP includes developing a watershed-scale approach to accommodate future growth and development while preventing water quality degradation and/or improving conditions in receiving waters impacted by past development. The SMAP includes a list of short- and long-term Capital projects within the prioritized watershed.

The City convened an interdisciplinary team to inform the watershed inventory and action options for Bothell's SMAP and conducted a six-week outreach effort with a virtual open house in January 2023 to discuss the specific action items that would be listed in the plan. Staff received several comments and incorporated them, where possible, within the SMAP that was submitted to Ecology in March 2023. This project was listed as one of three short term project efforts in the SMAP to improve stormwater management and stream health conditions within the priority basin.

Canyon Ridge Estates Pond Retrofit

One of the high-priority projects identified in the SMAP is the Canyon Ridge Estates Pond Retrofit. Retrofit of this pond will improve water quality and flow control of roadway runoff into the Lower North Creek priority basin. Staff sought grant funding for this project and applied for an Ecology grant in 2021. The Canyon Ridge Estates Pond Retrofit is included in the 2023-2029 Capital Facilities Plan and adopted 2023-2024 Budget.

The intent of this retrofit project is to design stormwater facility best management practices (BMPs) that will add water quality treatment to an

existing stormwater detention pond located in Canyon Ridge Estates neighborhood. The detention pond receives untreated runoff from 23rd Ave SE from a roadside drainage ditch that discharges to both Category 3 and two Category 2 wetlands before flows are conveyed approximately 2,400 feet downstream to North Creek.

This project will assess feasible water quality treatment facilities to be installed within the footprint of the existing stormwater detention pond to provide treatment for 24 acres of contributing area. This project will also improve the existing roadside drainage ditch through design of BMPs that provide flow control and water quality treatment.

**FISCAL
IMPACTS:**

The initial planning estimate from 2021 and included in the adopted 2023-2024 budget is \$144,670. Cost for the design effort is now \$200,215.07 due to inflation. The Ecology grant includes funding for \$108,502.98 and the Storm and Surface Water Utility includes sufficient funds to cover the remaining \$91,712.09 for the total \$200,215.07 design cost. In accordance with Finance Department Policy, a budget amendment for \$55,545.07 will be addressed, if required, in the mid-biennial budget discussions in the fall.

ATTACHMENTS:

- Att-1. Vicinity Map
- Att-2. Professional Services Agreement with Parametrix

**RECOMMENDED
ACTION:**

Authorize the City Manager to enter into the contract with Parametrix for the design of the Canyon Ridge Estates Pond Retrofit in the amount of \$200,215.07.



Pond Requiring
Retrofit

Flowpath

Approximate
Contributing Area

Vicinity Map
Canyon Ridge Estates
Pond Retrofit

AGREEMENT FOR PROFESSIONAL SERVICES

Contract No. _____

THIS AGREEMENT FOR PROFESSIONAL SERVICES (“Agreement”) is entered into between the City of Bothell, a Washington State municipal corporation, (“City”) and Parametrix., a corporation organized under the laws of the State of Washington, located and doing business at 719 2nd Ave, Ste 200, Seattle, WA 98104), (“Consultant”).

WHEREAS, the City needs professional services in connection with design of the Canyon Ridge Estates Pond Retrofit; and

WHEREAS, the Consultant has the expertise and experience to provide said services and is willing to do so in accordance with the terms and conditions of this Agreement.

NOW, THEREFORE, the City and the Consultant agree as follows:

1. SERVICES BY CONSULTANT

The Consultant shall provide the professional services as defined in this Agreement and as necessary to accomplish the scope of services attached hereto as **Attachment B** and incorporated herein by this reference as if set forth in full. The Consultant shall furnish all services, labor, and related equipment to conduct and complete the work, except as specifically noted otherwise in this Agreement.

2. TERM AND TERMINATION OF AGREEMENT

A. This Agreement shall become effective upon execution by both parties and shall continue in full force and effect until May, 15, 2024, unless sooner terminated by either party as provided below.

B. This Agreement may be terminated by either party without cause upon thirty (30) days’ written notice to the other party. In the event of termination, all finished or unfinished documents, reports, or other material or work of the Consultant pursuant to this Agreement shall be submitted to the City, and the Consultant shall be entitled to just and equitable compensation at the rate set forth in Section 3 for any satisfactory work completed prior to the date of termination. If the City issues written notice of termination, the Consultant shall perform no services under **Attachment B** except to the extent directed by the City in writing.

3. PAYMENT

A. The City shall pay the Consultant hourly, plus actual expenses, in accordance with **Attachment B**, but not more than a total of \$200,215.07 for all services rendered under this Agreement, which amount shall include all applicable taxes.

B. The Consultant shall submit, in a format acceptable to the City, monthly invoices for services performed in a previous calendar month. The Consultant shall maintain time and expense records and provide them to the City upon request.

C. The City shall pay all invoices in accordance with the City's usual payment procedures within thirty (30) days of receipt of a proper invoice from the Consultant.

D. If the services rendered do not meet the requirements of this Agreement, the Consultant shall correct or modify the work to comply with this Agreement. The City may withhold payment for such work until it meets the requirements of this Agreement.

4. INSPECTION AND AUDIT

The Consultant shall maintain all books, records, documents, and other evidence pertaining to the costs and expenses allowable under this Agreement in accordance with generally accepted accounting practices. All such books and records required to be maintained by this Agreement shall be subject to inspection and audit by representatives of the City and/or the Washington State Auditor at all reasonable times, and the Consultant shall afford the proper facilities for such inspection and audit at no cost to the City or the Washington State Auditor. Representatives of the City and/or the Washington State Auditor may copy such books, accounts, and records if necessary to conduct or document an audit. The Consultant shall preserve and make available all such books of account and records for a period of three (3) years after final payment under this Agreement. In the event that any audit or inspection identifies any discrepancy in such financial records, the Consultant shall provide the City with appropriate clarification and/or financial adjustments within thirty (30) calendar days of notification of the discrepancy.

5. INDEPENDENT CONTRACTOR

A. The Consultant and the City understand and expressly agree that the Consultant is an independent contractor in the performance of each and every part of this Agreement. The Consultant expressly represents, warrants, and agrees that the Consultant's status as an independent contractor in the performance of the work and services required under this Agreement is consistent with and meets the six-part independent contractor test set forth in RCW 51.08.195. The Consultant, as an independent contractor, assumes the entire responsibility for carrying out and accomplishing the services required under this Agreement. The Consultant shall make no claim of City employment nor shall the Consultant claim any related employment benefits, social security, and/or retirement benefits.

B. The Consultant shall be solely responsible for paying all taxes, deductions, and assessments, including but not limited to federal income tax, FICA, social security tax, assessments for unemployment and industrial injury, and other deductions from income which may be required by law or assessed against either party as a result of this Agreement. In the event the City is assessed a tax or assessment as a result of this Agreement, the Consultant shall pay the same before it becomes due.

C. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Consultant performs hereunder.

D. Prior to performing any services under this Agreement, the Consultant shall obtain a City business license in accordance Title 5 of the Bothell Municipal Code.

6. NONDISCRIMINATION AND COMPLIANCE WITH LAWS

A. The Consultant agrees not to discriminate against any employee or applicant for employment or any other person in the performance of this Agreement because of race, creed, color, national origin, marital status, sex, sexual orientation, age, disability, gender identity, veteran status, or other circumstance prohibited by federal, state, or local law, except for a bona fide occupational qualification.

B. The Consultant shall comply with all federal, state, and local laws applicable to the work to be done under this Agreement.

C. Violation of this Section 6 shall be a material breach of this Agreement and grounds for cancellation, termination, or suspension by the City, in whole or in part, and may result in ineligibility for further work for the City.

7. OWNERSHIP OF PUBLIC RECORDS

A. Everything developed by either party under this Agreement, whether finished or not, that falls within the definition of “writing” contained in Chapter 42.56 RCW (collectively, the “Public Records”) shall constitute the property of the City.

B. The Consultant shall forward all Public Records to the City when requested by the City to do so and, regardless of whether such a request was made, the Consultant shall forward all Public Records to the City upon termination of this Agreement. Public Records shall be forwarded in an electronic format that is compatible with the City’s computer software programs. Prior to being forwarded to the City, Public Records that are in a physical format shall first be scanned by the Consultant in a manner that produces easily readable electronic copies. The means through which Public Records will be forwarded to the City shall first be approved by the City.

C. For the duration of this Agreement, the Consultant shall retain all Public Records in accordance with the applicable records retention schedules promulgated by the Washington State Archives.

D. The City acknowledges that the Consultant may have developed certain proprietary methodologies, programming, proprietary design, report formats, and other intellectual property in connection with Consultant’s ongoing business operations (“Consultant’s IP”). The City hereby expressly waives any claim of ownership of, or right to, Consultant’s IP or any third-party intellectual property which Consultant may incorporate, with the proper license, into any Public Records under this Agreement. Consultant hereby grants to City a perpetual, royalty-free, non-exclusive, and non-transferable right and license to use Consultant’s IP and any third-party IP included in any Public Records prepared, owned, used, or retained in connection with this Agreement, for the purposes that the Public Record was created and for the purpose of ensuring compliance with the requirements of the Washington State Public Records Act, Chapter 42.56 RCW.

E. Without being affected by anything to the contrary set forth herein, the City acknowledges that Public Records created by the Consultant were created for the purposes of this Agreement and not for any other purpose.

F. The Consultant shall be solely responsible for all costs it incurs to comply with the terms of this section.

8. GENERAL ADMINISTRATION AND MANAGEMENT

Robert Holbrook, or designee, shall be the City's representative, and shall oversee and approve all services to be performed under this Agreement, coordinate all communications relating to this Agreement, review all invoices for work performed under this Agreement, and submit all invoices for approval to the appropriate City official.

9. HOLD HARMLESS AND INDEMNIFICATION

A. The Consultant shall defend, indemnify, and hold the City, its officers, officials, employees, and volunteers harmless from any and all claims, injuries, damages, losses, or suits including attorney fees, arising out of or resulting from the acts, errors, or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

B. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, and volunteers, the Consultant's liability, including the duty and cost to defend hereunder, shall be only to the extent of the Consultant's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

C. The City's inspection or acceptance of any of the Consultant's work when completed shall not be grounds to void, nullify, and/or invalidate any of these covenants of indemnification.

D. Nothing contained in this Agreement shall be construed to create a liability or a right of indemnification in any third party.

10. INSURANCE

The Consultant shall maintain the insurance described in **Attachment A**.

11. SUBLETTING OR ASSIGNING CONTRACT

This Agreement, or any interest herein or claim hereunder, shall not be assigned or transferred in whole or in part by the Consultant to any other person or entity without the prior written consent of the City. In the event that such prior written consent to an assignment is granted, then the assignee shall assume all duties, obligations, and liabilities of the Consultant as stated herein.

12. EXTENT OF AGREEMENT/MODIFICATION

This Agreement, together with attachments or addenda, represents the entire and integrated Agreement between the parties and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended, modified, or added to only by written instrument properly signed by both parties.

13. SEVERABILITY

A. If a court of competent jurisdiction holds any part, term, or provision of this Agreement to be illegal or invalid, in whole or in part, the validity of the remaining provisions shall not be affected, and the parties' rights and obligations shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

B. If any provision of this Agreement is in direct conflict with any statutory provision of the State of Washington, that provision which may conflict shall be deemed inoperative and null and void insofar as it may conflict and shall be deemed modified to conform to such statutory provision.

14. FAIR MEANING

The terms of this Agreement shall be given their fair meaning and shall not be construed in favor of or against either party hereto because of authorship. This Agreement shall be deemed to have been drafted by both of the parties.

15. NONWAIVER

A waiver by either party hereto of a breach by the other party hereto of any covenant or condition of this Agreement shall not impair the right of the party not in default to avail itself of any subsequent breach thereof. Leniency, delay, or failure of either party to insist upon strict performance of any agreement, covenant, or condition of this Agreement, or to exercise any right herein given in any one or more instances, shall not be construed as a waiver or relinquishment of any such agreement, covenant, condition, or right.

16. NOTICES

Unless stated otherwise herein, all notices and demands shall be in writing and sent or hand-delivered to the parties at their addresses listed in this section or to such addresses as the parties may hereafter designate in writing. Notices or demands shall be sent by registered or certified mail, postage prepaid, or hand-delivered. Such notices shall be deemed effective when mailed or hand-delivered at the addresses specified above.

To the City: City of Bothell
 18415 101st Avenue NE
 Bothell, WA 98011
 Attention: Robert Holbrook

To the Consultant: Parametrix
 719 2nd Ave, Ste 200
 Seattle, WA 98104
 Attention: Theo Prince

17. SURVIVAL

Any provision of this Agreement which imposes an obligation after termination or expiration of this Agreement shall survive the term or expiration of this Agreement and shall be binding on the parties to this Agreement.

18. GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

19. VENUE

The venue for any action to enforce or interpret this Agreement shall lie in the Superior Court of Washington for King County, Washington.

20. COUNTERPARTS

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the later of the signature dates included below.

CONSULTANT

CITY OF BOTHELL

Date: _____

Date: _____

By: _____

By: _____

Name: Jenifer Young

Kyle Stannert, City Manager

Title: Environmental Planning & Compliance Division Manager

Tax I.D. #: 910914810

UBI #: 600135349

ATTACHMENT A INSURANCE REQUIREMENTS

A. Insurance Term

The Consultant shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

B. No Limitation

The Consultant's maintenance of insurance as required by the Agreement shall not be construed to limit the liability of the Consultant to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

C. Minimum Scope of Insurance

The Consultant shall obtain insurance of the types and coverage described below:

1. Automobile Liability insurance covering all owned, non-owned, hired, and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage.
2. Commercial General Liability insurance shall be at least as broad as ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, stop-gap liability, independent contractors, and personal injury and advertising injury. The City shall be named as an additional insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City using an additional insured endorsement at least as broad as ISO CG 20 26 that is acceptable to the City Attorney's Office.
3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
4. Professional Liability insurance appropriate to the Consultant's profession.

D. Minimum Amounts of Insurance

The Consultant shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
2. Commercial General Liability insurance shall be written with limits no less than \$2,000,000 each occurrence, \$2,000,000 general aggregate.

3. Professional Liability insurance shall be written with limits no less than \$2,000,000 per claim and \$2,000,000 policy aggregate limit, as applicable.

E. Other Insurance Provision

The Consultant's Automobile Liability and Commercial General Liability insurance policies are to contain, or be endorsed to contain, that they shall be primary insurance as respect to the City. Any insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.

F. Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

G. Verification of Coverage

Before commencing work and services, the Consultant shall provide to the person identified in Section 8 of the Agreement a Certificate of Insurance evidencing the required insurance. The Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work. The City reserves the right to request and receive a certified copy of all required insurance policies.

H. Notice of Cancellation

The Consultant shall provide the City with written notice of any policy cancellation within two business days of their receipt of such notice.

I. Failure to Maintain Insurance

Failure on the part of the Consultant to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five (5) business days' notice to the Consultant to correct the breach, immediately terminate this Agreement or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Consultant from the City.

J. City Full Availability of Consultant Limits

If the Consultant maintains higher insurance limits than the minimums shown above, the City shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Consultant, irrespective of whether such limits maintained by the Consultant are greater than those required by this Agreement or whether any certificate of insurance furnished to the City evidences limits of liability lower than those maintained by the Consultant.

ATTACHMENT B
SCOPE OF SERVICES

SCOPE OF WORK

City of Bothell Canyon Ridge Estates Stormwater Pond Retrofit

INTRODUCTION

The City of Bothell (City) Public Works Department is contracting with Parametrix to provide permitting, design, and engineering services to retrofit an existing stormwater detention pond and roadside drainage ditch located on private property in the Canyon Ridge Estates housing development. The stormwater detention pond currently receives untreated runoff from the roadside ditch located on the west side of 23rd Avenue SE with an upstream tributary basin of approximately 24 acres. The project will assess feasibility of water quality treatment facility integration within the footprint of the existing stormwater detention pond and assess potential impacts to downstream wetlands. The project is funded by a Washington State Department of Ecology (Ecology) Grant Agreement No. WQC-2023-BothPW-00078.

TASK 1 – RESERVED FOR CITY (GRANT ADMINISTRATION)

To align with the Grant Agreement task numbering this task number is not used by Parametrix. Task 1 is reserved for the City to track and administer the grant agreement directly with Ecology.

TASK 2 – CULTURAL AND ENVIRONMENTAL REVIEW AND PERMITTING

Subtask 2.1 – Public Outreach

As part of the alternatives analysis and permitting phase, Parametrix will prepare a public engagement plan, neighborhood outreach materials for direct distribution, and public information content (including a format for a comment input field) for the City's website.

Once the preferred alternative is selected and concept design begins, Parametrix will prepare additional regional outreach materials for distribution to area businesses, schools, churches, and other organizations. Parametrix will also prepare updated content for the City's website and participate in a public meeting.

Approach

Parametrix will prepare the following:

- Public Engagement Plan
- Preliminary project information outreach material (suitable for a mailer) for direct distribution to neighborhood residents and landowners
- Concept design and construction outreach materials (suitable for signs and flyers) for distribution to area businesses, schools, churches, and other organizations
- Preliminary project public information content (including a format for a comment input field) for the City's website
- Concept design and construction updated content for the City's website

Assumptions

- Parametrix will participate in one public meeting. The City will coordinate directly with neighborhood residents and landowners supported by materials Parametrix has prepared.
- The City will perform all advertisement and web-hosting of the web-based content provided by Parametrix.
- Public outreach translation services are dependent on several factors including content complexity, language combinations, turnaround time, and formatting. Parametrix can subcontract for translation service to most regionally used languages for an additional fee.

Deliverables

Parametrix will provide the following deliverables:

- Public Engagement Plan (2 to 3 pages)
- Outreach materials as described above

Subtask 2.2 – Reviews and Permitting

This subtask provides the cultural resources, environmental review, and permitting documents to support the planning, design, and construction work for the project.

Approach

Parametrix will prepare the following:

- A Cultural Resources Review Form
- An Inadvertent Discovery Form
- The SEPA Checklist
- A list of other required local, state, tribal, and federal permits
- Preapplication conference permitting materials

One Parametrix staff member will attend a preapplication conference.

Assumptions

The following assumptions apply to this subtask:

- Based on the Cultural Resources Review Form, Ecology will consult with the Department of Archaeology and Historic Preservation (DAHP) and the tribes. Parametrix will not coordinate with these parties.
- The Inadvertent Discovery Form will be developed based on the specific template provided by Ecology. The form will ultimately be kept onsite during construction.
- The SEPA Checklist will be based on the City Development Services Form 31.
- The City will lead and be responsible for applications for construction, utility, and right-of-way use permits. Parametrix will provide available support materials for City use.
- If applicable, the NPDES Construction Stormwater Permit Notice of Intent will be prepared, submitted, and maintained by the contractor.
- No evaluation of traffic impacts will be required.
- The City will be responsible for all permit application fees and third-party review fees.

- The City will be responsible for the publication of all notices and announcements.
- All deliverables will be in PDF file format and hardcopies in accordance with City application requirements.
- The preparation of permit applications for wetlands or in-water work is not included in this scope of work, including documentation for Section 106 and the Endangered Species Act.

Deliverables

For the following deliverables, Parametrix will provide a City Review draft, an Ecology draft, a City review final, and an Ecology final:

- Ecology Cultural Resources Review Form
- Inadvertent Discovery Plan
- SEPA Checklist
- A list of other required local, state, tribal, and federal permits

TASK 3 – DESIGN PLANS AND SPECIFICATIONS

Subtask 3.1 – Wetland Analysis

The goal of this subtask is to assess and document the existing wetlands that the site discharges to, and evaluate potential impacts to the wetland hydrology from the proposed project.

Approach

Parametrix will:

- Perform a site visit and field verification to identify and document existing wetlands in the vicinity of the existing stormwater detention pond, adjoining private property, and the roadside ditch along 23rd Avenue SE.
- Classify the wetland types and determine the required buffer width.
- Conduct the wetland hydroperiod analysis approach based on confirmed wetland categories and guidance outlined in the 2019 Ecology Stormwater Management Manual for Western Washington, Appendix 1-C.4.

Assumptions

The following assumptions apply to this subtask:

- Wetland classification, boundaries, and buffers will be shown on the basemap for Subtask 3.5 using standard methods required by City Code.
- If any of the project elements occur in a wetland buffer or wetland, a Critical Areas Report will be required and will undergo Critical Area Land Use Review, which is not included in this scope of work.
- The City will resolve and provide one round of consolidated comments on all draft submittals.
- The hydroperiod analysis will be performed for the preferred alternative.
- The scoped effort (based on the set budget of the grant award) assumes that Ecology's hydroperiod analysis Method 2 (modeling-only) will be acceptable based on the wetland categories. Method 1 (1 year of monitoring followed by modeling) will not be used

Deliverables

Deliverables for this subtask include a City review draft, an Ecology draft, a City review final, and an Ecology final version of each of the following:

- Wetland delineation and critical areas report
- Method 2 wetland hydroperiod analysis

Subtask 3.2 – Alternatives Analysis

This subtask is to develop, evaluate, and coordinate retrofit options for the existing stormwater detention pond and existing roadside ditch located along the west side of 23rd Avenue SE to improve water quality in North Creek.

Approach

Parametrix will:

- Prepare up to three retrofit options and evaluations for applying updated water quality best management practices to the existing facility.
- Lead a workshop to discuss the proposed retrofit options and modifications.
- Prepare an alternative analysis technical memorandum outlining the basis-of-design of the preferred alternative to describe the proposed retrofit options.

Assumptions

The following assumptions apply to this subtask:

- The alternatives analysis technical memorandum is not intended as a direct Ecology deliverable but may be included as an attachment to the design report to be developed under Subtask 3.3.
- The workshop will include two Parametrix staff members.
- The technical memorandum will be a maximum of 10 pages, not including attachments.
- The draft technical memorandum will be submitted to the City two weeks prior to the workshop.
- The City will identify the selected preferred alternative within two weeks following the workshop.

Deliverables

Parametrix will provide the following:

- Draft and final technical memoranda to describe the project retrofit options and selected alternatives.

Subtask 3.3 – Design Report

The goal of this subtask is to document the preferred alternative based on the guidelines of the Ecology grant award.

Approach

Parametrix will prepare a design report based on Ecology's Stormwater Design Deliverables Guidance for Ecology-funded stormwater projects, which will include:

1. Introduction
2. Basin Description

3. Site Description
4. Minimum Requirement/Core Element Analysis
5. Alternatives Considered
6. Design Analysis
7. Quantification of the Water Quality Benefit
8. Engineer's Opinion of Probable Cost
9. Proposed Schedule

Assumptions

The following assumptions apply to this subtask:

- Design report will be submitted with 60 percent design package (Subtask 3.4).
- Final design report with responses to Ecology comments on the draft report will be submitted with the 90 percent design package.

Deliverables

Parametrix will provide a City review draft, an Ecology draft, a City review final, and an Ecology final version of the design report.

Subtask 3.4 – PS&E Bid Documents

This subtask develops the plans, specifications, engineer's opinion of cost (PS&E), and project schedule in a bid package for contractor procurement by the City. Sixty percent, 90 percent, and final bid documents will be provided. The subtask also provides support during the bid process and construction by the Engineer of Record.

Approach

Parametrix will:

- Prepare 60 percent plan set (up to 10 sheets):
 - Cover Sheet
 - General Notes and Legend
 - Existing Conditions
 - Staging and Temporary Construction Areas
 - Demolition and TESC Plan with Temporary Bypass
 - Site Layout Plan
 - Grading
 - Drainage Plan
 - Miscellaneous Details
 - Restoration Plan
- Prepare 60 percent plan set with engineer's opinion of cost, and list of anticipated special provisions for City review.

- Prepare the 90 percent and final plan sheets (up to 15 sheets):
 - Cover
 - General Notes and Legend
 - Survey and Alignment Control Plan
 - Existing Conditions
 - Staging and Temporary Construction Areas
 - Traffic Control
 - Demolition and TESC Plan with Temporary Bypass
 - TESC Details
 - Site Layout Plan with Control Points
 - Grading
 - Drainage Plan
 - Drainage Profiles
 - Miscellaneous Details (2 sheets)
 - Restoration Plan
- Prepare 90 percent plan set with complete draft specifications, engineer's opinion of cost, and project construction schedule for City and Ecology review.
- Prepare final bid package with PS&E and project construction schedule.
- Prepare comment resolution documentation for 90 percent and final plan review.
- Provide bid support to respond to questions, attend pre-bid conference, and support City staff in review.

Assumptions

The following assumptions apply to this subtask:

- The City and Ecology review time will be 45 calendar days for the 60 percent plans. The city will resolve and provide one round of consolidated comments. Plan updates to address comments will be provided in the 90 percent plan set.
- Comment resolution documentation is provided only between 90 percent and final plan sets. Plan updates to address comments on the 90 percent plans will be provided in the final plan set.
- Up to two meetings for comment resolution with City staff are included.
- The City and Ecology review time will be 45 calendar days for the 90 percent design package. The City will resolve and provide one round of consolidated comments.
- The City will provide information and resolve any issues related to the existing drainage easement and coordinate temporary site and use impacts, resolve private property issues, and address community comments and impact concerns.
- The City will provide copies and distribution of bid documents and notices of advertisement.
- Deliverables will be submitted in electronic PDF format.
- Technical specifications special provisions will be prepared in WSDOT/APWA format.
- Specifications will be delivered in an electronic format (Word).
- Division 00 and 01 specifications will be prepared by the City.
- Engineer's opinion of cost will be delivered in an electronic format.

- Twenty hours of Senior Engineer time are budgeted for bid support.
- Bid document will be prepared by the City.

Deliverables

Deliverables for this subtask include:

- Sixty percent plans, engineer's opinion of cost, and list of special provisions
- Ninety percent plans, full draft specifications, engineer's opinion of cost, and construction schedule for full internal City and Ecology review
- Final bid set including PS&E and construction schedule
- Comment resolution form for 90 percent and final plan set

Subtask 3.5 – Survey

The purpose of this subtask is to complete the property research, field control work, and topographic mapping, and develop the base map for the project.

Approach

Parametrix will conduct the following:

- Determine property boundary and right-of-way.
- Locate drainage easement line in the field.
- Coordinate utility locate.
- Survey the utility field-locates.
- Survey the location of wetland flags.
- Obtain topographic data for the existing stormwater detention pond and ditch located on the west side of 23rd Avenue SE.
- Survey the location of geotechnical borings and infiltration tests.
- Survey top and bottom of existing rockery walls.
- Locate perimeter fences and gates.
- Survey the facility bottom.
- Survey existing stormwater conveyance features associated with the existing stormwater detention pond and ditch.

Assumptions

The following assumptions apply to this subtask:

- Parametrix will coordinate utility locate with a private company.
- Right of entry will be obtained from property owners by the City for the location of the existing stormwater detention pond and adjacent properties.
- City will coordinate access with property owners.
- Geotechnical borings and infiltration tests will be performed prior to mobilizing for the field survey.
- Utility locates will be coordinated by the City and completed prior to mobilizing for the field survey.

- Wetland assessment, identification, and field markings will be completed prior to mobilizing for the field survey.
- A title report for the private property(s) where the existing stormwater detention pond is in an easement will be obtained prior to mobilizing for the field survey.

Deliverables

Deliverables for this subtask include:

- Basemap (PDF)
- CAD files for basemap

Subtask 3.6 – Geotechnical (Aspect Consulting)

Approach

It is understood that pond modifications are being considered to enhance stormwater management. The existing pond may be modified to provide increased water quality and storage.

Aspect will begin with a half-day geologic reconnaissance to observe and evaluate surface conditions at the pond, the 23rd Avenue SE embankment northeast of the roadway, and along the roadside ditch along the west side of 23rd Avenue SE.

Aspect will then organize and execute a geotechnical exploration program consisting of trackhoe test pits within the stormwater pond and potential pond expansion footprint.

Soil samples collected from the test pits will be placed in airtight plastic bags and returned to Aspect's geotechnical laboratory in Seattle for further examination. Selected samples will be identified for geotechnical testing of index and engineering properties. If feasibly pervious soil exists, up to two samples will be submitted for cation exchange capacity (CEC) and percent organics testing.

Informed by the field explorations and laboratory testing, Aspect will then complete geotechnical engineering and hydrogeologic analyses with respect to pond modifications, preliminary infiltration rates based on grain size analysis, slope and rockery stability, pond underdrain details, considerations for improvements to the ditch along 23rd Avenue SE as relates to the roadway embankment stability, and other possible solutions identified by Parametrix. Aspect will then prepare and submit a draft geotechnical and hydrogeologic report providing the results of the field explorations and laboratory testing, and providing conclusions and recommendations in support of design and construction of the Parametrix-developed solution(s). Once any comments on the draft report are received and addressed, Aspect will produce and deliver a final geotechnical engineering report. The report will be co-stamped by Aspect professional engineer (PE) and licensed engineering geologist (LEG), and will be suitable for inclusion in the contract documents.

Assumptions

The following assumptions apply to this subtask:

- The work will be scheduled during the late spring to summer months of 2023 when the pond is expected to be free of standing water.
- A topographic site survey will be made available for the slope stability analysis.
- The preliminary infiltration rate based on grain size data is not a design rate and only provided as a consideration for feasibility. Hand auger samples will be collected as needed to determine infiltration suitability in ditch area along 23rd Avenue SE.

- If a design infiltration rate is required, then a Pilot Infiltration Test program may need to be scoped and budgeted.
- Access to the potential pond expansion to the south and within the pond will be acceptable for a rubber track mounted drill.
- Up to three test pits will be excavated from the approximately 5,000 square foot pond footprint. Each test pit will be excavated, and soil sampled to depths of 5 to 10 feet below existing pond bottom elevation.
- Aspect will backfill excavated soils with native soils and tamp with the excavator bucket.
- Aspect will provide all of the personnel and subcontractor services necessary.
- Soil samples will be collected during test pit explorations for laboratory analysis.

Deliverables

Deliverables for this subtask include:

- Draft and final geotechnical report

Subtask 3.7 – Project Management

The objective of this subtask is to provide overall project management of the consultant contract with the City.

Approach

This subtask includes general management functions that include the following:

- Document and communicate the scope of work, budget, and schedule.
- Use Parametrix in-house tools to track budget and schedule.
- Conduct monthly design team meetings and document project design decisions.
- Prepare progress reports and monthly invoices for services performed by Parametrix and subconsultants.

Assumptions

Assumptions for this subtask include:

- Project duration is 12 months.
- Budget assumes 12 monthly client meetings and 12 consultant team meetings.

Deliverables

Deliverables for this subtask include:

- Monthly progress reports enclosed with invoices

TASK 4 – RESERVED FOR CITY (PROJECT CLOSEOUT)

To align with the Grant Agreement task numbering this task number is not used by Parametrix. Task 4 is reserved for the City to close out the project with Ecology.

SCHEDULE

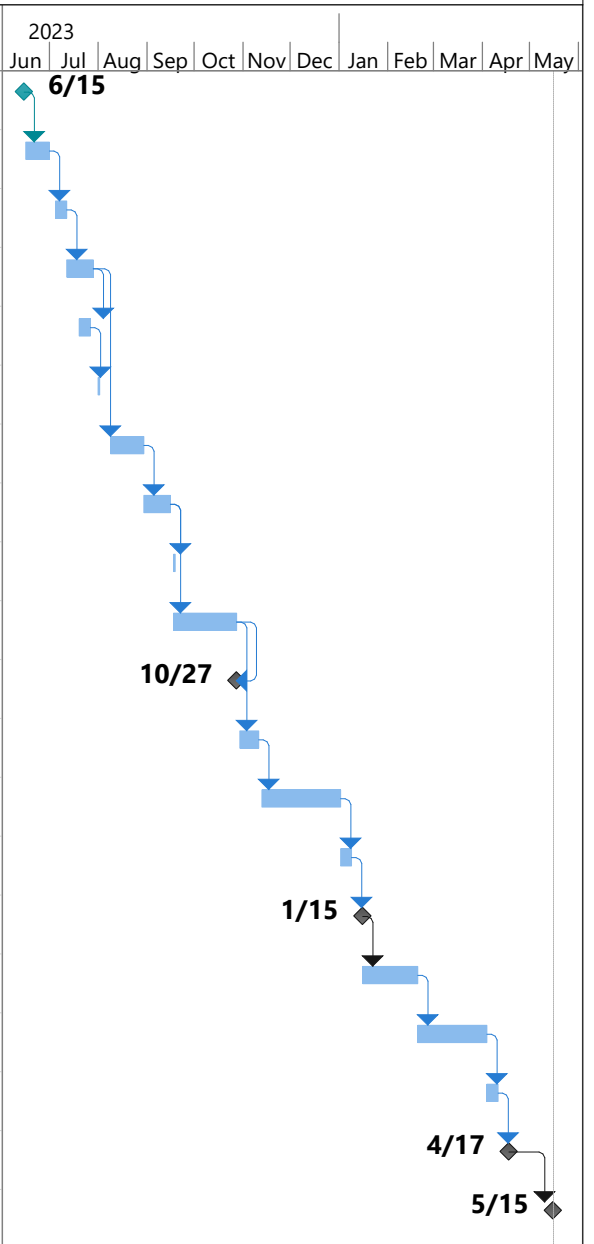
The schedule is provided as Attachment A.

COST ESTIMATE

The cost estimate is provided as Attachment B.

Attachment A

Canyon Ridge Estates Stormwater Pond Retrofit

ID	Task Name	Duration	Start	Finish	2023											
					Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
1	Notice to Proceed	0 days	Thu 6/15/23	Thu 6/15/23												
2	Right of Entry, Easement, Property Owner Coordination	11 days	Fri 6/16/23	Fri 6/30/23												
3	Wetland Delineation/Monitoring	5 days	Wed 7/5/23	Tue 7/11/23												
4	Survey	13 days	Wed 7/12/23	Fri 7/28/23												
5	Geotechnical Investigations	5 days	Thu 7/20/23	Wed 7/26/23												
6	Ecology Coordination*	1 day	Tue 8/1/23	Tue 8/1/23												
7	Alternatives Analysis	15 days	Wed 8/9/23	Tue 8/29/23												
8	City Review and Select Preferred Alternative	12 days	Wed 8/30/23	Fri 9/15/23												
9	Public Outreach Meeting	1 day	Mon 9/18/23	Mon 9/18/23												
10	60 Percent Design	30 days	Mon 9/18/23	Fri 10/27/23												
11	Permit Submittal	0 days	Fri 10/27/23	Fri 10/27/23												
12	Design Report	10 days	Mon 10/30/23	Fri 11/10/23												
13	Ecology/City Review/Comments	32 days	Mon 11/13/23	Mon 1/1/24												
14	Respond to Comments	5 days	Tue 1/2/24	Mon 1/8/24												
15	Ecology Acceptance	0 days	Mon 1/15/24	Mon 1/15/24												
16	90 Percent Design	25 days	Tue 1/16/24	Mon 2/19/24												
17	Ecology/City Review/Comments	32 days	Tue 2/20/24	Wed 4/3/24												
18	Respond to Comments	5 days	Thu 4/4/24	Wed 4/10/24												
19	Ecology Acceptance	0 days	Wed 4/17/24	Wed 4/17/24												
20	Final Bid Set	0 days	Wed 5/15/24	Wed 5/15/24												

* Permit schedule based on agreed approach with Ecology
Thu 5/11/23

Canyon Ridge Estates schedule_05112023.mpp

Attachment B

Client: City of Bothell
Project: Canyon Ridge Estates Stormwater Pond Retrofit
Project No: 553-1647-872

Billing Rates:					Shanon L. Harris	Jeff Dye	Paul S. Fendt	Theo Prince	Julie Brandt	Aaron Miller	Nicole Nagao	Butch Purganan	Jens Swenson	Jason Ceralde	Joe Merth	Tait Elder	Josh Wozniak	Katheryn Seckel
					Project Controls Specialist	Sr. Consultant	Principal Consultant	Project Manager/ Sr. Engineer	Sr Consultant	Engineer III	Engineer IV	Designer IV	Sr. Planner	Planner III	Sr. Consultant	Sr. Consultant	Sr. Scientist/Biologist	Sr. Planner
					\$143.23	\$316.26	\$321.65	\$215.05	\$235.53	\$152.91	\$184.37	\$185.90	\$211.54	\$143.65	\$307.74	\$242.19	\$240.63	\$188.89
Task	Subtask	Description	Labor Dollars	Labor Hours														
02		Cultural and Environmental Review and Permitting	\$20,650.76	102	0	0	0	0	32	0	0	0	0	0	0	8	0	50
02	01	Public Outreach	\$8,786.96	40					32									
02	02	Reviews and Permitting	\$11,863.80	62												8		50
03		Design Plans and Specifications	\$155,990.06	945	18	8	8	170	0	114	124	60	12	12	12	0	4	0
03	01	Wetland Anlaysia	\$12,272.65	98													4	
03	02	Alternatives Analysis	\$15,595.84	80		2	2	42		26	4							
03	03	Design Report	\$8,541.00	50				12		24	8							
03	04	PS&E Bid Documents	\$70,487.56	368		6	6	72		64	112	60	12	12	12			
03	05	Survey	\$34,612.76	271														
03	06	Geotechnical (Aspect only)	\$0.00	0														
03	07	Project Management	\$14,480.25	78	18			44										
Labor Totals:																		
Totals:																		

Subconsultants	
Aspect Consulting - Geotechnical	\$18,194.00
Applied Professional Services Inc	\$2,860.00
Subconsultants Total:	\$21,054.00

Other Direct Expenses	
Mileage - \$0.655/mile	\$360.25
Survey Equipment (\$160/Use)	\$1,440.00
Title Reports(s)	\$720.00
Other Direct Expenses Total:	\$2,520.25

Project Total	\$200,215.07
---------------	--------------

Attachment B

Client: City of Bothell
Project: Canyon Ridge Estates Stormwater Pond Retrofit
Project No: 553-1647-872

					Billing Rates:														
					Scientist/Biologist III	Scientist/Biologist II	Scientist/Biologist II	Sr. GIS Analyst	Survey Supervisor	Surveyor III	Surveyor III	Surveyor I	Technical Lead	Sr. Contracts Administrator	Publications Supervisor	Project Coordinator	Technical Editor	Project Coordinator	Sr. Project Accountant
					\$139.95	\$108.39	\$115.44	\$156.26	\$247.26	\$128.64	\$127.11	\$87.75	\$144.53	\$180.47	\$166.86	\$99.45	\$120.45	\$99.45	\$148.49
Task	Subtask	Description	Labor Dollars	Labor Hours															
02		Cultural and Environmental Review and Permitting	\$20,650.76	102	0	0	0	8	0	0	0	0	0	0	0	0	4	0	0
02	01	Public Outreach	\$8,786.96	40				8											
02	02	Reviews and Permitting	\$11,863.80	62													4		
03		Design Plans and Specifications	\$155,990.06	945	10	32	40	8	16	90	0	80	80	2	10	4	16	1	14
03	01	Wetland Anlaysis	\$12,272.65	98	10	32	40	8							2		2		
03	02	Alternatives Analysis	\$15,595.84	80											2		2		
03	03	Design Report	\$8,541.00	50											2		4		
03	04	PS&E Bid Documents	\$70,487.56	368											4		8		
03	05	Survey	\$34,612.76	271					16	90		80	80			4		1	
03	06	Geotechnical (Aspect only)	\$0.00	0															
03	07	Project Management	\$14,480.25	78										2					14
Labor Totals:				1,047	10	32	40	16	16	90	0	80	80	2	10	4	20	1	14
Totals:			\$176,640.82		\$1,399.45	\$3,468.40	\$4,617.60	\$2,500.16	\$3,956.16	\$11,577.15	\$0.00	\$7,020.00	\$11,562.20	\$360.95	\$1,668.55	\$397.80	\$2,408.90	\$99.45	\$2,078.90

Subconsultants	
Aspect Consulting - Geotechnical	\$18,194.00
Applied Professional Services Inc	\$2,860.00
Subconsultants Total:	\$21,054.00

Other Direct Expenses	
Mileage - \$0.655/mile	\$360.25
Survey Equipment (\$160/Use)	\$1,440.00
Title Reports(s)	\$720.00
Other Direct Expenses Total:	\$2,520.25

Project Total \$200,215.07

Stormwater Pond Retrofit at Canyon Ridge

Project Management Plan

v1 April 20 2023

Job Number:	230106
Project Manager:	Chip Barnett
ODC Markup:	Zero
Subconsultant Markup:	Zero

Date Authorized:	
Budget:	\$18,200.00
Target Completion Date:	
Rate Schedule	2023 Aspect Standard

Task	Work Element	Labor Budget Basis in Hours							Total Labor Budget	Other Direct Charges (ODC)	Subs
		Andersen	Barnett	Melone	Otto	Lewis	Van Slyke	Maisen			
		Principal I	Senior I	Staff 3	Project 3	Project 2	Sr. CAD	Staff 3			
		\$ 289.00	\$ 222.00	\$ 161.00	\$ 204.00	\$ 189.00	\$ 157.00	\$ 161.00			
1	Task 1 - Project Kickoff										
1	data review and project initiation	1	1						\$ 511		
1	internal kickoff meeting	1	1	1					\$ 672		
2	Task 2 - Investigation										
2	Locates		1.5						\$ 333	\$ 125	
2	Test Pits and hand augers		1	8					\$ 1,510	\$ 125	\$ 1,900
2	laboratory testing		1	2					\$ 544		\$ 900
3	Task 3 - Analysis										
3	test pit logs		1	2					\$ 544		
3	Slope stability analysis				12		4		\$ 3,076		
4	Task 4 - Reporting										
4	annotated outline		1						\$ 222		
4	cad/GIS						4		\$ 628		
4	draft report writing & production	2	5	6	2			2	\$ 3,384		
4	revisions & final report production	1	2	2				1	\$ 1,216		
5	Task 5 - Project Management										
5	status communications & meetings	1	2	1				2	\$ 1,216		
5	invoices			3				3	\$ 966		
5	archiving and project closure							2	\$ 322		
Total		6	16.5	25	14		8	10	\$ 15,144	\$ 250	\$ 2,800

Task Budget Summary

Task #	Task Title	Labor	ODC	Subs	Total
1	Task 1 - Project Kickoff	\$ 1,183			\$ 1,183
2	Task 2 - Investigation	\$ 2,387	\$ 250	\$ 2,800	\$ 5,437
3	Task 3 - Analysis	\$ 3,620			\$ 3,620
4	Task 4 - Reporting	\$ 5,450			\$ 5,450
5	Task 5 - Project Management	\$ 2,504			\$ 2,504
Total Project Budget		\$ 15,144	\$ 250	\$ 2,800	\$ 18,194



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/4/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION** IS **WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER AssuredPartners Design Professionals Insurance Services, LLC 3697 Mt. Diablo Blvd Suite 230 Lafayette CA 94549		CONTACT NAME: Jennifer Aguirre PHONE (A/C, No, Ext): (510) 465-3090 FAX (A/C, No): E-MAIL ADDRESS: DesignProCerts@AssuredPartners.com	
License#: 6003745 PARAINC-01		INSURER(S) AFFORDING COVERAGE	
INSURED Parametrix, Inc. 1019 39th Ave. SE Suite 100 Puyallup, WA 98374 (253) 604-6600		INSURER A: Valley Forge Insurance Company INSURER B: Continental Insurance Company INSURER C: XL Specialty Insurance Company INSURER D: National Fire Insurance of Hartford INSURER E: Continental Casualty Company INSURER F:	
		NAIC # 20508 35289 37885 20478 20443	

COVERAGES**CERTIFICATE NUMBER:** 873055111**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
D	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Contractual Liab <input checked="" type="checkbox"/> XCU Included GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input checked="" type="checkbox"/> OTHER: WA Stop Gap/EL	Y	Y	6050531366	11/1/2022	11/1/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 WA Stop Gap \$ 1,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY	Y	Y	6050531352	11/1/2022	11/1/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 0			6050531433	11/1/2022	11/1/2023	EACH OCCURRENCE \$ 15,000,000 AGGREGATE \$ 15,000,000 \$
E	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	Y N/A	6050531383 6050531402	11/1/2022 11/1/2022	11/1/2023 11/1/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER WA STOP GAP E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	Professional Liability Claims Made Pollution Liability Included			DPR5003740	11/1/2022	11/1/2023	Per Claim \$2,000,000 Annual Aggregate \$2,000,000 Retroactive Date 01/01/1969

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Umbrella Liability policy is a follow-form to underlying General Liability/Auto Liability/Employers Liability.

PMX Project Number/Name: #553-1647-872 / Canyon Ridge Estates Pond Retrofit --

City of Bothell, their officers, employees and agents are named as Additional Insured on General Liability and Auto Liability, per policy forms, with respect to the operations of the Named Insured as required by written contract or agreement. General Liability and Auto Liability are Primary/Non-Contributory and severability of interests per policy form wording.

CERTIFICATE HOLDER**CANCELLATION** 30 Day Notice of Cancellation

City of Bothell
Attn: Robert Holbrook
18415 101st Avenue NE
Bothell WA 98011

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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**Blanket Additional Insured - Owners, Lessees or Contractors - with Products-Completed Operations Coverage Endorsement**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

It is understood and agreed as follows:

- I. WHO IS AN INSURED** is amended to include as an **Insured** any person or organization whom you are required by **written contract** to add as an additional insured on this **coverage part**, but only with respect to liability for **bodily injury, property damage or personal and advertising injury** caused in whole or in part by your acts or omissions, or the acts or omissions of those acting on your behalf:
- A.** in the performance of your ongoing operations subject to such **written contract**; or
 - B.** in the performance of **your work** subject to such **written contract**, but only with respect to **bodily injury or property damage** included in the **products-completed operations hazard**, and only if:
 - 1. the **written contract** requires you to provide the additional insured such coverage; and
 - 2. this **coverage part** provides such coverage.
- II.** But if the **written contract** requires:
- A.** additional insured coverage under the 11-85 edition, 10-93 edition, or 10-01 edition of CG2010, or under the 10-01 edition of CG2037; or
 - B.** additional insured coverage with "arising out of" language; or
 - C.** additional insured coverage to the greatest extent permissible by law;
- then paragraph **I.** above is deleted in its entirety and replaced by the following:
- WHO IS AN INSURED** is amended to include as an **Insured** any person or organization whom you are required by **written contract** to add as an additional insured on this **coverage part**, but only with respect to liability for **bodily injury, property damage or personal and advertising injury** arising out of **your work** that is subject to such **written contract**.
- III.** Subject always to the terms and conditions of this policy, including the limits of insurance, the Insurer will not provide such additional insured with:
- A.** coverage broader than required by the **written contract**; or
 - B.** a higher limit of insurance than required by the **written contract**.
- IV.** The insurance granted by this endorsement to the additional insured does not apply to **bodily injury, property damage, or personal and advertising injury** arising out of:
- A.** the rendering of, or the failure to render, any professional architectural, engineering, or surveying services, including:
 - 1. the preparing, approving, or failing to prepare or approve maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; and
 - 2. supervisory, inspection, architectural or engineering activities; or
 - B.** any premises or work for which the additional insured is specifically listed as an additional insured on another endorsement attached to this **coverage part**.
- V.** Under **COMMERCIAL GENERAL LIABILITY CONDITIONS**, the Condition entitled **Other Insurance** is amended to add the following, which supersedes any provision to the contrary in this Condition or elsewhere in this **coverage part**:

CNA75079XX (10-16)

Page 1 of 2

Nat'l Fire Ins Co of Hartford

Insured Name: PARAMETRIX, INC.

Policy No: 6050531366

Endorsement No: 15



**Blanket Additional Insured - Owners, Lessees or Contractors - with Products-Completed Operations Coverage Endorsement****Primary and Noncontributory Insurance**

With respect to other insurance available to the additional insured under which the additional insured is a named insured, this insurance is primary to and will not seek contribution from such other insurance, provided that a **written contract** requires the insurance provided by this policy to be:

1. primary and non-contributing with other insurance available to the additional insured; or
2. primary and to not seek contribution from any other insurance available to the additional insured.

But except as specified above, this insurance will be excess of all other insurance available to the additional insured.

VI. Solely with respect to the insurance granted by this endorsement, the section entitled **COMMERCIAL GENERAL LIABILITY CONDITIONS** is amended as follows:

The Condition entitled **Duties In The Event of Occurrence, Offense, Claim or Suit** is amended with the addition of the following:

Any additional insured pursuant to this endorsement will as soon as practicable:

1. give the Insurer written notice of any **claim**, or any **occurrence** or offense which may result in a **claim**;
2. send the Insurer copies of all legal papers received, and otherwise cooperate with the Insurer in the investigation, defense, or settlement of the **claim**; and
3. make available any other insurance, and tender the defense and indemnity of any **claim** to any other insurer or self-insurer, whose policy or program applies to a loss that the Insurer covers under this **coverage part**. However, if the **written contract** requires this insurance to be primary and non-contributory, this paragraph 3. does not apply to insurance on which the additional insured is a named insured.

The Insurer has no duty to defend or indemnify an additional insured under this endorsement until the Insurer receives written notice of a **claim** from the additional insured.

VII. Solely with respect to the insurance granted by this endorsement, the section entitled **DEFINITIONS** is amended to add the following definition:

Written contract means a written contract or written agreement that requires you to make a person or organization an additional insured on this **coverage part**, provided the contract or agreement:

- A. is currently in effect or becomes effective during the term of this policy; and
- B. was executed prior to:
 1. the **bodily injury** or **property damage**; or
 2. the offense that caused the **personal and advertising injury**;for which the additional insured seeks coverage.

Any coverage granted by this endorsement shall apply solely to the extent permissible by law.

All other terms and conditions of the Policy remain unchanged.

This endorsement, which forms a part of and is for attachment to the Policy issued by the designated Insurers, takes effect on the effective date of said Policy at the hour stated in said Policy, unless another effective date is shown below, and expires concurrently with said Policy.

CNA75079XX (10-16)

Page 2 of 2

Nat'l Fire Ins Co of Hartford

Insured Name: PARAMETRIX, INC.

Policy No: 6050531366

Endorsement No: 15

**Waiver of Transfer of Rights of Recovery Against
Others to the Insurer Endorsement**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

SCHEDULE
Name Of Person Or Organization:
ANY PERSON OR ORGANIZATION WHOM THE NAMED INSURED HAS AGREED IN WRITING IN A CONTRACT OR AGREEMENT TO WAIVE SUCH RIGHTS OF RECOVERY, BUT ONLY IF SUCH CONTRACT OR AGREEMENT:
1. IS IN EFFECT OR BECOMES EFFECTIVE DURING THE TERM OF THIS COVERAGE PART; AND 2. WAS EXECUTED PRIOR TO THE BODILY INJURY, PROPERTY DAMAGE OR PERSONAL AND ADVERTISING INJURY GIVING RISE TO THE CLAIM.

(Information required to complete this Schedule, if not shown above, will be shown in the Declarations.)

Under **COMMERCIAL GENERAL LIABILITY CONDITIONS**, it is understood and agreed that the condition entitled **Transfer Of Rights Of Recovery Against Others To Us** is amended by the addition of the following:

With respect to the person or organization shown in the Schedule above, the Insurer waives any right of recovery the Insurer may have against such person or organization because of payments the Insurer makes for injury or damage arising out of the **Named Insured's** ongoing operations or **your work** included in the **products-completed operations hazard**.

All other terms and conditions of the Policy remain unchanged.

This endorsement, which forms a part of and is for attachment to the Policy issued by the designated Insurers, takes effect on the effective date of said Policy at the hour stated in said Policy, unless another effective date is shown below, and expires concurrently with said Policy.

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CONTRACTORS EXTENDED COVERAGE ENDORSEMENT - BUSINESS AUTO PLUS

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM

I. LIABILITY COVERAGE

A. Who Is An Insured

The following is added to **Section II, Paragraph A.1., Who Is An Insured**:

1. a. Any incorporated entity of which the Named Insured owns a majority of the voting stock on the date of inception of this Coverage Form; provided that,
 - b. The insurance afforded by this provision **A.1.** does not apply to any such entity that is an **insured** under any other liability "policy" providing **auto** coverage.
2. Any organization you newly acquire or form, other than a limited liability company, partnership or joint venture, and over which you maintain majority ownership interest.

The insurance afforded by this provision **A.2.:**

- a. Is effective on the acquisition or formation date, and is afforded only until the end of the policy period of this Coverage Form, or the next anniversary of its inception date, whichever is earlier.
- b. Does not apply to:
 - (1) **Bodily injury or property damage** caused by an **accident** that occurred before you acquired or formed the organization; or
 - (2) Any such organization that is an **insured** under any other liability "policy" providing **auto** coverage.
3. Any person or organization that you are required by a written contract to name as an additional insured is an **insured** but only with respect to their legal liability for acts or omissions of a person, who qualifies as an **insured** under **SECTION II – WHO IS AN INSURED** and for whom Liability Coverage is afforded under this policy. If required by written contract, this insurance will be primary and non-contributory to insurance on which the additional insured is a Named Insured.
4. An **employee** of yours is an **insured** while operating an **auto** hired or rented under a contract or agreement in that **employee's** name, with your permission, while performing duties related to the conduct of your business.

"Policy", as used in this provision **A. Who Is An Insured**, includes those policies that were in force on the inception date of this Coverage Form but:

1. Which are no longer in force; or
2. Whose limits have been exhausted.

B. Bail Bonds and Loss of Earnings

Section II, Paragraphs A.2. (2) and A.2. (4) are revised as follows:

1. In **a.(2)**, the limit for the cost of bail bonds is changed from \$2,000 to \$5,000; and
2. In **a.(4)**, the limit for the loss of earnings is changed from \$250 to \$500 a day.



C. Fellow Employee

Section II, Paragraph B.5 does not apply.

Such coverage as is afforded by this provision C. is excess over any other collectible insurance.

II. PHYSICAL DAMAGE COVERAGE

A. Glass Breakage – Hitting A Bird Or Animal – Falling Objects Or Missiles

The following is added to **Section III, Paragraph A.3.:**

With respect to any covered **auto**, any deductible shown in the Declarations will not apply to glass breakage if such glass is repaired, in a manner acceptable to us, rather than replaced.

B. Transportation Expenses

Section III, Paragraph A.4.a. is revised, with respect to transportation expense incurred by you, to provide:

- a. \$60 per day, in lieu of \$20; subject to
- b. \$1,800 maximum, in lieu of \$600.

C. Loss of Use Expenses

Section III, Paragraph A.4.b. is revised, with respect to loss of use expenses incurred by you, to provide:

- a. \$1,000 maximum, in lieu of \$600.

D. Hired "Autos"

The following is added to **Section III. Paragraph A.:**

5. Hired "Autos"

If Physical Damage coverage is provided under this policy, and such coverage does not extend to Hired Autos, then Physical Damage coverage is extended to:

- a. Any covered **auto** you lease, hire, rent or borrow without a driver; and
- b. Any covered **auto** hired or rented by your **employee** without a driver, under a contract in that individual **employee's** name, with your permission, while performing duties related to the conduct of your business.
- c. The most we will pay for any one **accident** or **loss** is the actual cash value, cost of repair, cost of replacement or \$75,000, whichever is less, minus a \$500 deductible for each covered **auto**. No deductible applies to **loss** caused by fire or lightning.
- d. The physical damage coverage as is provided by this provision is equal to the physical damage coverage(s) provided on your owned **autos**.
- e. Such physical damage coverage for hired **autos** will:
 - (1) Include loss of use, provided it is the consequence of an **accident** for which the Named Insured is legally liable, and as a result of which a monetary loss is sustained by the leasing or rental concern.
 - (2) Such coverage as is provided by this provision will be subject to a limit of \$750 per **accident**.

E. Airbag Coverage

The following is added to **Section III, Paragraph B.3.:**

The accidental discharge of an airbag shall not be considered mechanical breakdown.

F. Electronic Equipment

Section III, Paragraphs B.4.c and B.4.d. are deleted and replaced by the following:

- c. Physical Damage Coverage on a covered **auto** also applies to **loss** to any permanently installed electronic equipment including its antennas and other accessories
- d. A \$100 per occurrence deductible applies to the coverage provided by this provision.

G. Diminution In Value

The following is added to **Section III, Paragraph B.6.:**

Subject to the following, the **diminution in value** exclusion does not apply to:

- a. Any covered **auto** of the private passenger type you lease, hire, rent or borrow, without a driver for a period of 30 days or less, while performing duties related to the conduct of your business; and
- b. Any covered **auto** of the private passenger type hired or rented by your **employee** without a driver for a period of 30 days or less, under a contract in that individual **employee's** name, with your permission, while performing duties related to the conduct of your business.
- c. Such coverage as is provided by this provision is limited to a **diminution in value** loss arising directly out of accidental damage and not as a result of the failure to make repairs; faulty or incomplete maintenance or repairs; or the installation of substandard parts.
- d. The most we will pay for **loss** to a covered **auto** in any one accident is the lesser of:
 - (1) \$5,000; or
 - (2) 20% of the **auto's** actual cash value (ACV).

III. Drive Other Car Coverage – Executive Officers

The following is added to **Sections II and III:**

- 1. Any **auto** you don't own, hire or borrow is a covered **auto** for Liability Coverage while being used by, and for Physical Damage Coverage while in the care, custody or control of, any of your "executive officers", except:
 - a. An **auto** owned by that "executive officer" or a member of that person's household; or
 - b. An **auto** used by that "executive officer" while working in a business of selling, servicing, repairing or parking **autos**.

Such Liability and/or Physical Damage Coverage as is afforded by this provision.

- (1) Equal to the greatest of those coverages afforded any covered **auto**; and
- (2) Excess over any other collectible insurance.

- 2. For purposes of this provision, "executive officer" means a person holding any of the officer positions created by your charter, constitution, by-laws or any other similar governing document, and, while a resident of the same household, includes that person's spouse.

Such "executive officers" are **insureds** while using a covered **auto** described in this provision.

IV. BUSINESS AUTO CONDITIONS

A. Duties In The Event Of Accident, Claim, Suit Or Loss

The following is added to **Section IV, Paragraph A.2.a.:**

- (4) Your **employees** may know of an **accident** or **loss**. This will not mean that you have such knowledge, unless such **accident** or **loss** is known to you or if you are not an individual, to any of your executive officers or partners or your insurance manager.

The following is added to **Section IV, Paragraph A.2.b.:**

- (6) Your **employees** may know of documents received concerning a claim or **suit**. This will not mean that you have such knowledge, unless receipt of such documents is known to you or if you are not an individual, to any of your executive officers or partners or your insurance manager.

B. Transfer Of Rights Of Recovery Against Others To Us

The following is added to **Section IV, Paragraph A.5. Transfer Of Rights Of Recovery Against Others To Us:**

We waive any right of recovery we may have, because of payments we make for injury or damage, against any person or organization for whom or which you are required by written contract or agreement to obtain this waiver from us.

This injury or damage must arise out of your activities under a contract with that person or organization.

You must agree to that requirement prior to an **accident** or **loss**.

C. Concealment, Misrepresentation or Fraud

The following is added to **Section IV, Paragraph B.2.:**

Your failure to disclose all hazards existing on the date of inception of this Coverage Form shall not prejudice you with respect to the coverage afforded provided such failure or omission is not intentional.

D. Other Insurance

The following is added to **Section IV, Paragraph B.5.:**

Regardless of the provisions of Paragraphs **5.a.** and **5.d.** above, the coverage provided by this policy shall be on a primary non-contributory basis. This provision is applicable only when required by a written contract.

That written contract must have been entered into prior to **Accident** or **Loss**.

E. Policy Period, Coverage Territory

Section IV, Paragraph B. 7.(5).(a). is revised to provide:

- a. 45 days of coverage in lieu of 30 days.

V. DEFINITIONS

Section V. paragraph C. is deleted and replaced by the following:

Bodily injury means bodily injury, sickness or disease sustained by a person, including mental anguish, mental injury or death resulting from any of these.



WAIVER OF OUR RIGHT TO RECOVER FROM OTHERS ENDORSEMENT

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule.

This agreement shall not operate directly or indirectly to benefit anyone not named in the Schedule.

Schedule

Any Person or Organization on whose behalf you are required to obtain this waiver of our right to recover from under a written contract or agreement.

The premium charge for the endorsement is reflected in the Schedule of Operations.

All other terms and conditions of the policy remain unchanged.

This endorsement, which forms a part of and is for attachment to the policy issued by the designated Insurers, takes effect on the Policy Effective Date of said policy at the hour stated in said policy, unless another effective date (the Endorsement Effective Date) is shown below, and expires concurrently with said policy unless another expiration date is shown below.



Workers Compensation And Employers Liability Insurance Policy Endorsement

BLANKET WAIVER OF OUR RIGHT TO RECOVER FROM OTHERS

This endorsement changes the policy to which it is attached.

It is agreed that **Part One - Workers' Compensation Insurance G. Recovery From Others** and **Part Two - Employers' Liability Insurance H. Recovery From Others** are amended by adding the following:

We will not enforce our right to recover against persons or organizations. (This agreement applies only to the extent that you perform work under a written contract that requires you to obtain this agreement from us.)

PREMIUM CHARGE - Refer to the Schedule of Operations

The charge will be an amount to which you and we agree that is a percentage of the total standard premium for California exposure. The amount is 2%.

All other terms and conditions of the policy remain unchanged.

This endorsement, which forms a part of and is for attachment to the policy issued by the designated Insurers, takes effect on the Policy Effective Date of said policy at the hour stated in said policy, unless another effective date (the Endorsement Effective Date) is shown below, and expires concurrently with said policy unless another expiration date is shown below.

Form No: G-19160-B (11-1997)

Endorsement Effective Date:

Endorsement No: 2; Page: 1 of 1

Underwriting Company: American Casualty Company of Reading, Pennsylvania, 151 N Franklin St,
Chicago, IL 60606

Policy No: WC 6 50531383 Policy



City of Bothell™

City Council
Agenda Bill
AB # 23-085

TO: Mayor Thompson and Members of the Bothell City Council

FROM: Erin Leonhart, Public Works Director
Robert McCadden, Capital Project Engineer (Presenter)
Boyd Benson, Utility & Development Services Manager (Presenter)

DATE: June 6, 2023

SUBJECT: Study Session for the Valhalla Utility Project Budget Amendment.

COUNCIL ACTION: The item asks the City Council to consider a budget amendment to fully finance construction of the Valhalla Utility Improvement Project and allow award of a construction contract.

The City Council previously provided policy direction on this matter by approving the project within the 2023-2029 Capital Facilities Plan (CFP). Project construction funding is provided for within the 2023-2024 Budget and includes the majority of the funds necessary to complete the project. An additional \$1,214,000 in Water Funds and an additional \$20,000 in Storm & Surface Water Funds, beyond those budgeted for 2023, are necessary to construct the project.

	DATE	ACTION
HISTORY:	NOVEMBER 2020	City Council approved the 2021-2027 Capital Facilities Plan (CFP).
	DECEMBER 2021	City Council approved the design contract for this Project in the amount of \$1,534,404.
	DECEMBER 2021	City Council approved acceptance of a Public Works Trust Fund Loan in the amount of \$4,675,305 for construction of the Valhalla Utility Project.
	OCTOBER 2022	City Council approved the 2023-2029 Capital Facilities Plan (CFP).
	DECEMBER 2022	City Council adopted the 2023-2024 Capital Budget

During scoping for this work in February 2021, a single construction project was planned to include multiple CFP projects: The Valhalla Utility Project, consisting of projects W-5, SW-37, and S14 and the S-13 Lift Station 1 Improvements Project.

During the design phase, it became apparent that the permitting timeline for the Lift Station 1 Improvements Project had the potential to substantially delay construction of the Valhalla Utility project. the project was separated into two construction phases with two contracts to better manage cost, permitting, and construction season impacts due to potential delays. The Valhalla Utility Improvement Project budget is the subject of the proposed current action. The Lift Station 1 Improvements project will be advertised and bid at a later date in 2024.

DISCUSSION: The Valhalla Utility Improvements Project will replace deteriorating utility infrastructure within the Valhalla neighborhood (see Att. 1). The Project will:

- Replace soft and failure-prone asbestos-cement (AC) water main;
- Provide spot repairs to the sanitary sewer system to facilitate future Cured in Place Pipe (CIPP) lining; and,
- Replace poorly performing storm pipes and structures.

A competitive bidding procedure was followed for this construction project, consistent with state requirements and the City's procurement policy. On April 25, 2023, the City received eight bids ranging from \$4,012,792.05 to \$5,625,482.85. Staff reviewed the bids and determined the lowest responsive and responsible bidder is Fury Siteworks Inc. in the amount of \$4,012,792.05. The Engineer's Estimate for construction was \$4,622,270.45. Upon award of the contract, the contractor is expected to be mobilized in early summer of 2023 and be completed by spring of 2024.

FISCAL IMPACTS: The Project is funded by a combination of local utility funds and a Public Works Board Trust Fund (PWTF) Loan. The loan funds are specifically designated for the construction phase of the Project.

While the total construction bid amount across all the utility work is less than the total Engineer's Estimate, there are a few things to note about the project that require a budget amendment:

- The cost of the sewer construction is approximately \$1,000,000 less than originally budgeted through the Sewer utility since only preparation work for Cured-In-Place Pipe (CIPP) is included in the scope. The balance of the rehabilitation work will be completed later under a separate contract at a much lower cost than a traditional excavate-and-replace methodology. All work in the future will occur via the sewer access structures.
- The cost of the stormwater construction is approximately \$70,000 less than budgeted. However, an additional \$90,000 was needed to complete design for a net increase of \$20,000 from the Storm & Surface Water Fund.
- The cost of the watermain construction is substantially more than originally budgeted through the Water Fund, \$4,073,000 versus the budgeted \$2,960,000. The additional costs can be attributed to a number of factors including: inflation, high groundwater, poor soil conditions, an extensive amount of underground utilities to avoid that will increase the duration of the contract, and a fragile existing watermain that is susceptible to breaking. In addition, \$101,000 more was needed to complete design. The total budget deficit for the watermain work is \$1,214,000.

It is proposed that the \$815,000 in PWTF Loan revenue that was allocated in the 2023 Budget to the Sewer utility work be allocated to the Water utility work. The Water utility would benefit more from the loan than the Sewer utility due to the higher-than-anticipated cost of its work.

Therefore, staff proposes the following budget amendment related to this project:

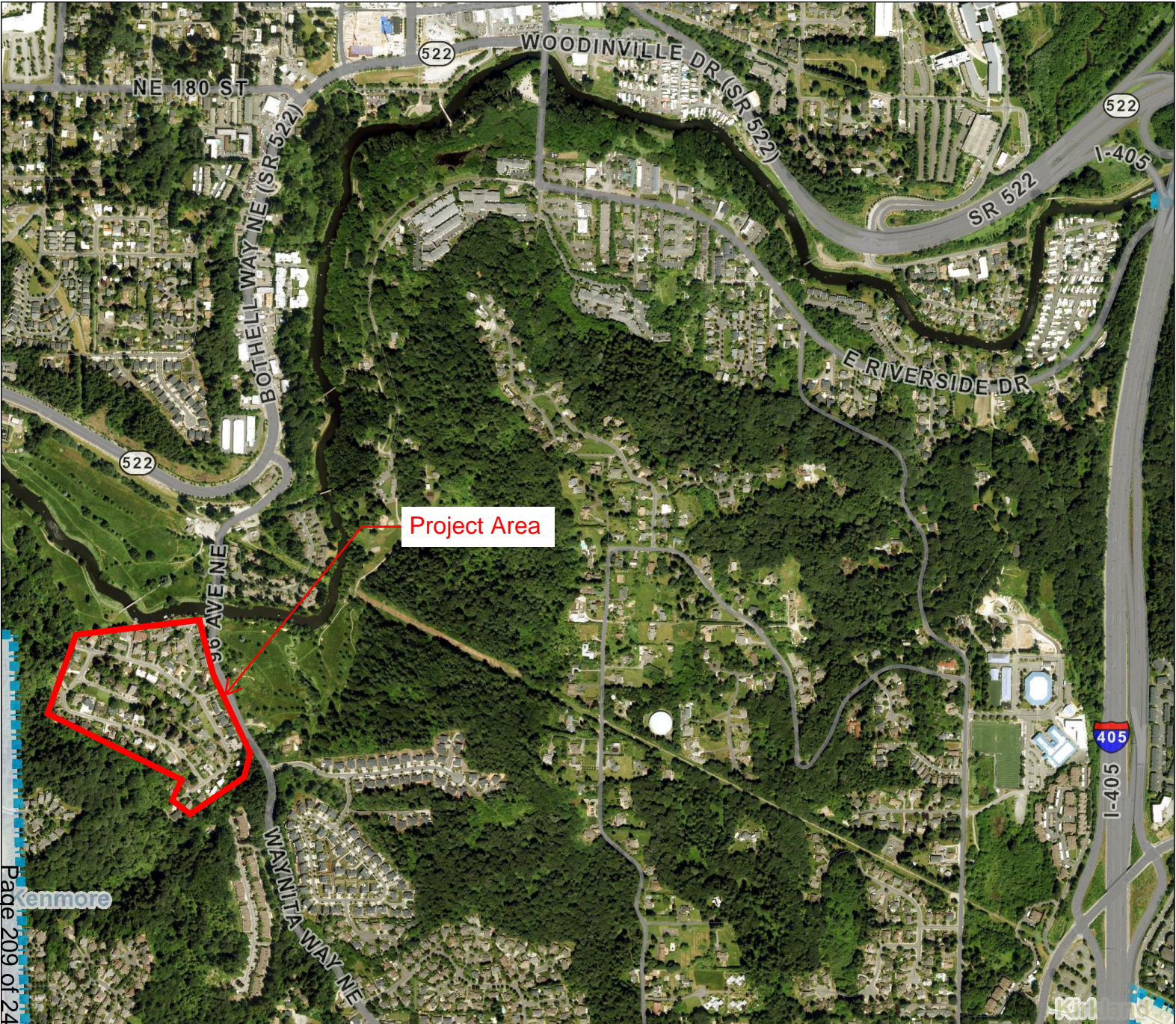
- Add \$20,000 of 406 Storm & Surface Water Fund to SW27– Valhalla Utility Project (increase from \$1,182,000 in adopted 2023 budget to \$1,202,000).
- Add \$1,214,000 of 401 Water Fund to W5 – Valhalla Utility Project (increase from \$2,960,000 in adopted 2023 budget to \$4,174,000).
- Reallocate \$815,000 of PWTF Loan revenue to the 401 Water Utility Fund from \$815,000 of PWTF Loan revenue in the 402 Sewer Utility Fund.

The Finance and Public Works Departments confirmed that the additional utility funding is available for the project out of existing 2023/2024 utility fund balances.

ATTACHMENTS: Att-1. Vicinity Map
 Att-2. CFP Sheets
 Att-3. Budget Amendment Ordinance

RECOMMENDED ACTIONS: No formal action is being requested at this time. Staff seeks feedback on fully funding the project and amending the 2023 budget to increase Storm and Surface Water Utility expense by \$20,000, increase Water Utility expense by \$1,214,000; and reduce Sewer Utility revenue by \$815,000 in PWTF Loan funds, and increase Water Utility revenue by \$815,000 in PWTF Loan funds. At a later date, Council will be asked to authorize an ordinance to amend the Project budget as described above and approve construction contract award.

Valhalla Utility Improvements - Vicinity Map



- Bothell City Limits
- 2022-June Aerial (Bothell)
- 2020-Mar Ortho Infrared (Bothell)
- Red: Band_1
- Green: Band_2
- Blue: Band_3
- World Topo Map (ESRI)
- World Street Map (ESRI)

Created:
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1: 12,130 Feet
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Notes:

The City of Bothell delivers this data (map) in an AS-IS condition. GIS data (maps) are produced by the City of Bothell for internal purposes. No representation or guarantee is made concerning the accuracy, currency, or completeness of the information provided.

Attachment 2 - 2023-2029 CFP Sheets

W5 - Valhalla Utility Project

DESCRIPTION:

The City plans to replace all of the asbestos cement water pipes and services within the Valhalla neighborhood. This will improve the reliability, fire flows, and public safety within the water system. Storm and sewer replacement work within the project area will be completed in conjunction with this project to address failing infrastructure. The work will be also coordinated with Lift Station 1 improvements (S13).

JUSTIFICATION:

This project will improve reliability and fire flow in the area. Improved reliability will reduce the amount of maintenance calls and repairs associated with older asbestos cement pipe.

FUTURE MAINTENANCE AND OPERATING (M & O) COSTS:

Reductions associated with fewer repairs, current watermain flushing and valve exercising will continue.

TIMING PRIORITY CONSIDERATIONS:

Project design will begin in 2022 with construction following in 2023. Construction to be complete at the end of Q3 2023.

PROJECT COMMENCEMENT REQUIREMENTS:

This water project is approved to commence when financing is secured and funding resources are appropriated in the City's budget.

PROJECT STOPPING POINT(S):

Project spending is not authorized in excess of adopted funding resources.

STATUS:

This issue has been identified as needing improvements in the Water System Plan and is designing in 2022 and construct in 2023.

Dollars in Thousands (000)

ESTIMATED PROJECT COSTS	Projected Spending Thru 2022	Budgeted		Estimated					Estimated Spending 2023 - 2029	Total Estimated Project Costs Thru 2029
		2023	2024	2025	2026	2027	2028	2029		
Design	921								0	921
Construction		2,960							2,960	2,960
TOTAL ESTIMATED COSTS	\$921	\$2,960	\$0	\$0	\$0	\$0	\$0	\$0	\$2,960	\$3,881

ESTIMATED PROJECT FUNDING	Projected Funding Thru 2022	Budgeted		Estimated					Estimated Funding 2023 - 2029	Total Estimated Project Funding Thru 2029
		2023	2024	2025	2026	2027	2028	2029		
SECURED FUNDING										
Utilities - Water	921								0	921
Public Works Trust Fund Loan		2,960							2,960	2,960
TOTAL SECURED FUNDING	\$921	\$2,960	\$0	\$0	\$0	\$0	\$0	\$0	\$2,960	\$3,881

PROJECT VARIANCES	Projected to 12/31/2022	Budgeted		Estimated					Project Variances 2023 - 2029	Total Project Funding Thru 2029
		2023	2024	2025	2026	2027	2028	2029		
Secured Funding	921	2,960	0	0	0	0	0	0	2,960	3,881
Estimated Project Cost	921	2,960	0	0	0	0	0	0	2,960	3,881
TOTAL PROJECT VARIANCES	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Dollars in Thousands (000)

PROJECT M&O IMPACT	Budgeted		Estimated					Total Project M&O Impact 2023 - 2029
	2023	2024	2025	2026	2027	2028	2029	
TOTAL FUTURE M&O COSTS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL FTE IMPACT	No Future M&O Impact							

SW27 - Valhalla Utility Project

DESCRIPTION:

This project will improve the existing storm mains and catch basins in association with a water main replacement project intended to increase reliability and fire flow in the area. The improvements will increase reliability and reduce the amount of maintenance calls and repairs associated with older stormwater infrastructure. The work will be also coordinated with Lift Station 1 improvements (S13).

JUSTIFICATION:

The improvements will increase reliability and reduce the amount of maintenance calls and repairs associated with older stormwater infrastructure.

FUTURE MAINTENANCE AND OPERATING (M & O) COSTS:

Depends on the solution that is selected, but will result in a decrease from the existing conditions.

TIMING PRIORITY CONSIDERATIONS:

Project design will begin in 2022 with construction following in 2023.

PROJECT COMMENCEMENT REQUIREMENTS:

Annual Storm & Surface Water Capital Improvement projects are approved to commence when financing is secured and funding resources are appropriated in the City's budget.

PROJECT STOPPING POINT(S):

Project spending is not authorized in excess of adopted funding resources.

STATUS:

Design is currently being worked on with construction plans for 2023.

Dollars in Thousands (000)

ESTIMATED PROJECT COSTS	Projected Spending Thru 2022	Budgeted		Estimated					Estimated Spending 2023 - 2029	Total Estimated Project Costs Thru 2029
		2023	2024	2025	2026	2027	2028	2029		
Design	267								0	267
Construction		1,182							1,182	1,182
TOTAL ESTIMATED COSTS	\$267	\$1,182	\$0	\$0	\$0	\$0	\$0	\$0	\$1,182	\$1,449

ESTIMATED PROJECT FUNDING	Projected Funding Thru 2022	Budgeted		Estimated					Estimated Funding 2023 - 2029	Total Estimated Project Funding Thru 2029
		2023	2024	2025	2026	2027	2028	2029		
SECURED FUNDING										
Utilities - Storm & Surface Water	267	282							282	549
Public Works Trust Fund Loan		900							900	900
TOTAL SECURED FUNDING	\$267	\$1,182	\$0	\$0	\$0	\$0	\$0	\$0	\$1,182	\$1,449

PROJECT VARIANCES	Projected to 12/31/2022	Budgeted		Estimated					Project Variances 2023 - 2029	Total Project Funding Thru 2029
		2023	2024	2025	2026	2027	2028	2029		
Secured Funding	267	1,182	0	0	0	0	0	0	1,182	1,449
Estimated Project Cost	267	1,182	0	0	0	0	0	0	1,182	1,449
TOTAL PROJECT VARIANCES	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Dollars in Thousands (000)

PROJECT M&O IMPACT	Budgeted		Estimated					Total Project M&O Impact 2023 - 2029
	2023	2024	2025	2026	2027	2028	2029	
TOTAL FUTURE M&O COSTS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL FTE IMPACT	No Future M&O Impact							

S14 - Valhalla Utility Project

DESCRIPTION:

This project will improve the existing sewer mains in association with a water main replacement project intended to increase reliability and fire flow in the area. Storm replacement work will also be completed within the project area to address failing infrastructure. The work will be also coordinated with Lift Station 1 Bypass (S13).

JUSTIFICATION:

The improvements will increase reliability and reduce the amount of maintenance calls and repairs associated with older sewer infrastructure.

FUTURE MAINTENANCE AND OPERATING (M & O) COSTS:

Work in the neighborhood should strengthen the systems which will reduce the amount of staff responses. The tight line work will reduce stress on the lift station, therefore requiring less maintenance.

TIMING PRIORITY CONSIDERATIONS:

Project design will begin in 2022 with construction following in 2023.

PROJECT COMMENCEMENT REQUIREMENTS:

This sewer project will be designed dependent on the alternative selected. Construction will commence after design is complete and funding resources are appropriated in the City's budget. Sewer repair may be completed using CIPP methods described in Project S3.

PROJECT STOPPING POINT(S):

Project spending is not authorized in excess of adopted funding resources.

STATUS:

Design is currently being worked on with construction plans for 2023.

Dollars in Thousands (000)

ESTIMATED PROJECT COSTS	Projected Spending Thru 2022	Budgeted		Estimated					Estimated Spending 2023 - 2029	Total Estimated Project Costs Thru 2029
		2023	2024	2025	2026	2027	2028	2029		
Design	484								0	484
Construction		1,147							1,147	1,147
TOTAL ESTIMATED COSTS	\$484	\$1,147	\$0	\$0	\$0	\$0	\$0	\$0	\$1,147	\$1,631

ESTIMATED PROJECT FUNDING	Projected Funding Thru 2022	Budgeted		Estimated					Estimated Funding 2023 - 2029	Total Estimated Project Funding Thru 2029
		2023	2024	2025	2026	2027	2028	2029		
SECURED FUNDING										
Utilities - Sewer	484	1,147							1,147	1,631
TOTAL SECURED FUNDING	\$484	\$1,147	\$0	\$0	\$0	\$0	\$0	\$0	\$1,147	\$1,631

PROJECT VARIANCES	Projected to 12/31/2022	Budgeted		Estimated					Project Variances 2023 - 2029	Total Project Funding Thru 2029
		2023	2024	2025	2026	2027	2028	2029		
Secured Funding	484	1,147	0	0	0	0	0	0	1,147	1,631
Estimated Project Cost	484	1,147	0	0	0	0	0	0	1,147	1,631
TOTAL PROJECT VARIANCES	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Dollars in Thousands (000)

PROJECT M&O IMPACT	Budgeted		Estimated					Total Project M&O Impact 2023 - 2029
	2023	2024	2025	2026	2027	2028	2029	
TOTAL FUTURE M&O COSTS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL FTE IMPACT	No Future M&O Impact							

S13 - Lift Station 1 Bypass

DESCRIPTION:

Lift Station 1 was originally built in the 1960's. In 2008, the two main pumps at the station were replaced and an additional bypass vault and pump were added. The station has limited wet well storage and no space at its current location to increase wet well capacity. The City completed a feasibility evaluation and determined that the most effective approach to address the situation is to bypass sewage from new development to the south from the lift station into a new gravity bypass main.

JUSTIFICATION:

Construction of the Lift Station 1 bypass will reduce staff response efforts during high flow, repair expenses, and the potential for an inadvertent sewage release.

FUTURE MAINTENANCE AND OPERATING (M & O) COSTS:

Installation of the bypass will reduce future maintenance and responses from maintenance staff.

TIMING PRIORITY CONSIDERATIONS:

Project design will begin in 2021 with construction following in 2023.

PROJECT COMMENCEMENT REQUIREMENTS:

This sewer project will be designed dependent on the alternative selected. Construction will commence after design is complete and funding resources are appropriated in the City's budget.

PROJECT STOPPING POINT(S):

Project spending is not authorized in excess of adopted funding resources.

STATUS:

Design and Permitting is being completed in 2022 with construction planned for 2023.

Dollars in Thousands (000)

ESTIMATED PROJECT COSTS	Projected Spending Thru 2022	Budgeted		Estimated					Estimated Spending 2023 - 2029	Total Estimated Project Costs Thru 2029
		2023	2024	2025	2026	2027	2028	2029		
Design	406								0	406
Construction		2,057							2,057	2,057
TOTAL ESTIMATED COSTS	\$406	\$2,057	\$0	\$0	\$0	\$0	\$0	\$0	\$2,057	\$2,463

ESTIMATED PROJECT FUNDING	Projected Funding Thru 2022	Budgeted		Estimated					Estimated Funding 2023 - 2029	Total Estimated Project Funding Thru 2029
		2023	2024	2025	2026	2027	2028	2029		
SECURED FUNDING										
Utilities - Sewer	406	1,242							1,242	1,648
Public Works Trust Fund Loan		815							815	815
TOTAL SECURED FUNDING	\$406	\$2,057	\$0	\$0	\$0	\$0	\$0	\$0	\$2,057	\$2,463

PROJECT VARIANCES	Projected to 12/31/2022	Budgeted		Estimated					Project Variances 2023 - 2029	Total Project Funding Thru 2029
		2023	2024	2025	2026	2027	2028	2029		
Secured Funding	406	2,057	0	0	0	0	0	0	2,057	2,463
Estimated Project Cost	406	2,057	0	0	0	0	0	0	2,057	2,463
TOTAL PROJECT VARIANCES	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Dollars in Thousands (000)

PROJECT M&O IMPACT	Budgeted		Estimated					Total Project M&O Impact 2023 - 2029
	2023	2024	2025	2026	2027	2028	2029	
TOTAL FUTURE M&O COSTS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL FTE IMPACT	No Future M&O Impact							

D11 - Public Works Trust Fund Debt Service
(Valhalla Utility Project - W5, SW27, S13)

DESCRIPTION:

The State Public Works Board (PWB) provides low interest construction loans to local government to fund vital capital infrastructure needs. Interest rates range from 0.25% to 2.55% and are linked to the repayment period, which ranges from 10 to 30 years. Bothell applied for and received a \$4,675,000 Public Works Trust Fund (P WTF) loan. This financing opportunity provided the means necessary to fund construction of the Valhalla Utility project. The associated annual debt service payments are to be paid from user fee revenues. The City plans to replace all of the asbestos cement water pipes and services within the Valhalla neighborhood. This will improve the reliability, fire flows, and public safety within the water system. The work will be also coordinated with Lift Station 1 Bypass (S13). Storm and sewer replacement work within the project area will be completed in conjunction with this project to address failing infrastructure.

JUSTIFICATION:

This project will improve reliability and fire flow in the area. Improved reliability will reduce the amount of maintenance calls and repairs associated with older asbestos cement pipe. The 20-year P WTF loan is sufficient to provide long-term financing for the Valhalla Utility Project.

FUTURE MAINTENANCE AND OPERATING (M & O) COSTS:

Debt service payments are allocated from the City's Sewer, Storm & Surface Water, and Water Funds.

TIMING PRIORITY CONSIDERATIONS:

Project design will begin in 2022 with construction following in 2023. Construction to be complete at the end of Q3 2023.

PROJECT COMMENCEMENT REQUIREMENTS:

This project is approved to commence when financing is secured and funding resources are appropriated in the City's budget.

PROJECT STOPPING POINT(S):

The project's construction phase is not authorized to commence until all funding sources are identified, secured and appropriated. Project spending is not authorized in excess of adopted funding resources.

STATUS:

The \$4.675 million P WTF loan was awarded in 2022. Debt service payments will commence in 2023 and will be allocated over a 20 year period. The interest rate is 0.94%.

Dollars in Thousands (000)

ESTIMATED PROJECT COSTS	Projected Spending Thru 2022	Budgeted		Estimated					Estimated Spending 2023 - 2029	Total Estimated Project Costs Thru 2029
		2023	2024	2025	2026	2027	2028	2029		
Utility Revenue Bond Debt Service		125	292	294	291	289	286	284	1,861	1,861
TOTAL ESTIMATED COSTS	\$0	\$125	\$292	\$294	\$291	\$289	\$286	\$284	\$1,861	\$1,861

ESTIMATED PROJECT FUNDING	Projected Funding Thru 2022	Budgeted		Estimated					Estimated Funding 2023 - 2029	Total Estimated Project Funding Thru 2029
		2023	2024	2025	2026	2027	2028	2029		
SECURED FUNDING										
Utilities - Sewer		22	51	51	51	50	50	49	324	324
Utilities - Storm & Surface Water		24	56	57	56	56	55	55	359	359
Utilities - Water		79	185	186	184	183	181	180	1,178	1,178
TOTAL SECURED FUNDING	\$0	\$125	\$292	\$294	\$291	\$289	\$286	\$284	\$1,861	\$1,861

PROJECT VARIANCES	Projected to 12/31/2022	Budgeted		Estimated					Project Variances 2023 - 2029	Total Project Funding Thru 2029
		2023	2024	2025	2026	2027	2028	2029		
Secured Funding	0	125	292	294	291	289	286	284	1,861	1,861
Estimated Project Cost	0	125	292	294	291	289	286	284	1,861	1,861
TOTAL PROJECT VARIANCES	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

ORDINANCE NO. _____ (2023)

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON,
AMENDING THE 2023-2024 SEWER, WATER, AND STORM AND
SURFACE WATER UTILITY FUND BUDGETS FOR THE VALHALLA
UTILITY IMPROVEMENT PROJECT.

WHEREAS, the Revised Code of Washington (RCW), Chapter 35A.34 provides for the biennial adoption of the City's budget and provides procedures for filing of the proposed budget, deliberations, public hearings, final fixing, and any subsequent adjustments to the budget; and

WHEREAS, the 2023-2024 budget was adopted for all funds of the City, including the Sewer, Water, and Storm and Surface Water Utility Funds,

WHEREAS, budget development requires staff to make significant predictions about revenues and expenditures for the upcoming biennium and it is not uncommon for budget amendments to be subsequently required to align actual results with the predictions made during budget development,

WHEREAS, funding for construction of the Valhalla Utility Improvement Project (the Project) was included in the Adopted 2023-2024 Budget; and

WHEREAS, the total construction cost for the Project exceeded the allocated funding adopted for the Project within the 2023-2024 budget; and

WHEREAS, a budget amendment is required for the Project to account for an additional \$1,234,000 in construction costs, project inspection and management costs, and design and permitting costs above the adopted 2023-2024 Budget amount.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The adopted budget for the 2023 - 2024 biennium is hereby amended as set forth in the table below, which is attached hereto and incorporated herein by this reference as set forth in full.

Fund No.	Fund Name	Adopted 2023-24 t Expense	Amended 2023-24 Expense
401	Water Utility	\$2,960,000	\$4,174,000
406	Storm and Surface Water Utility	\$1,182,000	\$1,202,000

Fund No.	Fund Name	Adopted 2023-24 Revenue	Amended 2023-24 t Revenue
401	Water Utility, Public Works Trust Fund revenue	\$2,960,000	3,775,000
402	Sewer Utility, Public Works Trust Fund revenue	\$815,000	\$0

Section 2. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. EFFECTIVE DATE. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Section 4. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

APPROVED:

Mason Thompson
MAYOR

ATTEST/AUTHENTICATED:

LAURA HATHAWAY
CITY CLERK

APPROVED AS TO FORM:

PAUL BYRNE
CITY ATTORNEY

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO.: _____ (2023)

SUMMARY OF ORDINANCE NO. _____ (2023)

City of Bothell, Washington

On the 6th June, 2023, the City Council of the City of Bothell passed Ordinance No. _____ (2023). A summary of the content of said Ordinance, consisting of the title, is provided as follows:

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON,
AMENDING THE 2023-2024 CAPITAL IMPROVEMENT FUND.

The full text of this Ordinance will be mailed upon request.

LAURA HATHAWAY
CITY CLERK

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO.: _____ (2023)



City of Bothell™

City Council
Agenda Bill
AB # 23-086

TO: Mayor Thompson and Members of the Bothell City Council

FROM: Erin Leonhart, Public Works Director
Sherman Goong, Transportation Planner (Presenter)

DATE: June 6, 2023

SUBJECT: Study Session to Review 2024 – 2029 Six-Year Transportation Improvement Program (TIP)

COUNCIL ACTION: Council is being asked to provide feedback on the projects and programs identified in the proposed Transportation Improvement Program (TIP) in advance of a public hearing at a future meeting.

The TIP is a planning document, not a funding document. It lists the transportation projects that the City anticipates pursuing to make improvements in the six-year period and is developed in close coordination with the City's adopted Capital Facilities Plan. Council's decision whether to adopt this program through the resolution will allow City staff to coordinate the identified funding and assign resources necessary to implement the program.

Approval of the proposed TIP will address transportation infrastructure and safety deficiencies identified through processes such as the Imagine Bothell Comprehensive Plan update and the Safe School Walk Routes Task Force. Since projects must be identified in a TIP to qualify for funding grants, not approving this item could result in a loss of ability to implement major projects within Bothell.

HISTORY:

DATE	ACTION
MARCH 1, 2022	Council adopted a Resolution Approving the 2023-2028 Six-Year Transportation Improvement Program
OCTOBER 4, 2022	Council adopted a Resolution Approving the 2023-2029 Capital Facilities Plan

DISCUSSION: What is the TIP?

The Revised Code of Washington, Title 35.77.010, requires a city to update its Six-Year Transportation Improvement Program (TIP) every year before July 1st. The TIP is a planning document, not a funding document. It lists the transportation projects that the City anticipates pursuing to make improvements in the six-year period as well as on-going annual transportation programs such as the Pavement Preservation and Sidewalk/Walkway Programs. The TIP is developed in close coordination with the Capital Facilities Plan (CFP). Grant funding entities often require a project to be on the City's TIP to be eligible for funding. The TIP can be updated at any time with Council approval after a public hearing but must be done at least once a year. The City does not prioritize projects in the TIP.

How does this compare with the Capital Facilities Plan?

Since 2006, the City has developed and adopted a seven-year CFP in even years to align with the biennial budget. This plan includes all capital projects (transportation, utilities, facilities, parks) that have some funding available. This includes on-going annual capital programs. It is a financially constrained plan that shows the anticipated capital facility projects for the next seven years. The transportation projects and programs in the TIP are essentially the same as those listed in the CFP. A separate Transportation Needs List tracks necessary transportation projects, such as those identified by the City's Comprehensive Plan, that are not anticipated to be addressed in the next six years.

Funding

The biennial budget is the funding appropriation mechanism for the projects listed within the CFP. The CFP and budget are well coordinated and adoption occurs in the same two-year cycle. The adopted Capital Budget includes the first two years of the adopted CFP.

TIP and CFP Coordination

Staff uses the same public input and prioritization process to create both the TIP and the transportation project list within the CFP during the years where we do our biennial budget process. Last year, Council adopted the 2023-2024 Budget and 2023-2029 Capital Facilities Plan. Since the Six-Year TIP is required to be updated annually, this year's update is for the mid biennial process and matches the adopted CFP.

How Does This Year's TIP Differ from Last Year's TIP

Projects deleted because they were incorporated into other projects

- SR 522 Stage 2B Improvements (included in Sound Transit BRT Project)
- 9th Ave SE Pedestrian Improvements (included in 9th Ave SE Multimodal Improvements Project)

Projects/Programs to be added to match the approved Capital Facilities Plan

- North Creek FEMA Repairs
- NE 185th St Utility and Roadway Improvements
- Main and Festival Street Improvements
- Canyon Park Transportation Demand Management (TDM)
- Downtown Sound Transit Access – 104th Ave NE
- East Riverside Drive Trail (102nd Ave NE to East City Limits)
- 9th Ave SE Multimodal Improvements (228th St SE to SR 524)
- 35th Ave SE Multimodal Improvements (240th St SE to 228th St SE)
- Bike Box on 104th Ave NE at NE 185th St

Pavement Preservation:

- Juanita-Woodinville Way NE Overlay (NE 160th St to 121st Ave NE)
- East Riverside Dr Overlay (I-405 to 11th Ave NE)
- 240th St SE Overlay (4th Ave to Bothell Way NE)

Sidewalk Projects:

- 224th St SW Sidewalk Improvements
- 5th Ave W Sidewalk Improvements (240th St SW to Shelton View Elementary School)
- 124th Ave NE Sidewalk Improvements (NE 164th St to NE 169th St)

FISCAL IMPACTS: This is a planning document, not a funding document. The actual funding of projects occurred as part of the 2023-2024 Budget process; however, the City is required to adopt a Transportation Improvement Program for transportation grant eligibility.

ATTACHMENTS: Att-1. 2024 – 2029 Six Year Transportation Improvement Program
Att-2. Transportation Needs List

RECOMMENDED ACTION: Staff is seeking feedback on the 2024-2029 Six-Year Transportation Improvement Program in advance of a public hearing.

City of Bothell

2024-2029 Six Year Transportation Improvement Program (TIP)



City Council Presentation on June 6, 2023

Exhibit A

Six-Year Transportation Improvement Plan (TIP) Summary

Contents

- Introduction
- Summary of Document
- TIP Project List
- TIP Map
- Project Descriptions

Introduction

The TIP is a planning document that is required to be annually updated per Section 35.77.010 of the Revised Code of Washington (RCW). The TIP must be adopted by the Council after one or more public hearings. The TIP must be filed with the State Secretary of Transportation not more than thirty days after its adoption but no later than July 1st.

To be eligible for any federal grant funding, some state grant funding, and allocation of gas tax monies, projects must be listed in the TIP.

Summary of Document

The TIP is adopted in Bothell by Resolution. The project list is developed via the Capital Facilities Plan (CFP) process which occurs biennially along with the City's budget process in even numbered years. The CFP process is typically a nine-month process that starts in spring and ends with CFP adoption by Council in late fall. The TIP, reflecting the CFP, is brought forward to the Council early the following year to meet the July 1st deadline. The TIP will be updated in the CFP off-year as necessary to reflect changes to the program due to such things as unanticipated additional revenues and opportunities; emergency projects; and/or delay in existing projects.

The TIP Project List

The TIP lists individual projects as well as programs. Each project is labeled to identify what category it falls under. The category descriptions are as follows:

Capacity projects increase the volume that roads and/or intersections can carry. Many of these projects are generated through the City's comprehensive plan process. This process determines what improvements are required to meet level of service requirements as growth occurs. Congestion projects are strongly related since many of the areas of concern are the same areas where capacity is an issue.

Condition projects are those that are needed because the infrastructure has reached the end of its useful life or has been damaged.

Economic projects are those that are important in stimulating the local economy. Examples of these are Downtown Revitalization projects.

Safety projects address areas that have high accident rates or, due to professional judgement, are anticipated to be a safety issue.

Trail projects provide pedestrian and bicycle shared-use paths separate from vehicular traffic.

Sidewalk projects provide pedestrian paths.

Bicycle projects provide bicycle facilities.

Planning projects help define transportation facility needs by doing alternative analyses, public outreach, and costing.

Programs address issues/infrastructure citywide that are recurring and need to be continually funded.

Each line item provides the following project information:

1. Project/Program name
2. Project category
3. Total estimated cost of the project
4. Estimated expenditure by year
5. Estimated 6-year expenditure total
6. Estimated revenue sources
7. Estimated 6-year revenue total

In some cases, programs will generate separately listed projects. As an example, the sidewalk program is the source of local match funds that are often augmented by grants. When a particular sidewalk project is identified, it will be listed as a separate project. This is to track expenditures but also to provide clarity on which projects are anticipated to occur in the 6-year period. This results in the sidewalk program and the individual sidewalk projects being double counted on both the expenditure and revenue side. As such, the total expenditures and revenue totals at the bottom of the project list should be used only to determine relative magnitude rather than exact totals.

2024 - 2029
Transportation Improvement Program (TIP) - Project List

NOTE: All Dollar Amounts Given in Thousands (1,000s)																								
TIP #	CFP #	Project Type	Project Name	Total Project Cost	2024	2025	2026	2027-2029	City Streets	State Hwys	2024-2029 6-Year Total Expenses	City Funds (REIT, Safe Streets Levy,	City Streets	State Highways	Mitigation/Other	Other Agencies	City Streets	State Highways	Grants	State Highways	Funds	2024-2029 6-Year Total Funds		
1	T28	Trail/Sidewalk	North Creek Trail - Section 4 (from N Terminus of North Creek Trail Section 3 to Filbert Dr)	\$8,707	\$39	\$42	\$44	\$97	\$222		\$222	\$122										\$222		
2	T66	Safety/Capacity	Menden Ave S & 240th St SE Roundabout	\$3,270	\$2,555				\$2,555		\$2,555				\$389							\$2,555		
3	T65a	Capacity	Adaptive Signal Control System, Phase 1	\$51	\$2	\$2	\$2		\$6		\$6	\$6										\$6		
4	T65b	Capacity	Adaptive Signal Control System, Phase 2	\$54	\$3	\$3	\$3		\$3		\$3	\$3										\$3		
5	T70	Capacity	Beardslee Boulevard Widening (Campus to 1405)	\$11,819	\$74	\$10,359			\$10,433		\$10,433	\$2,359										\$10,433		
6	T73	Capacity	228th St SE Widening (39th Ave SE to 39th Ave SE)	\$16,397	\$563	\$1,409	\$0	\$13,059	\$15,031		\$15,031	\$2,359			\$41		\$5,870					\$15,031		
7	T60	Capacity/Condition	Sound Transit - Blue Rapid Transit (Bothell Segment)	\$486	\$10	\$120	\$108		\$236		\$236						\$236					\$236		
8	T74	Capacity	Bothell Way Multimodal Improvements (Rider Way to 240th St SE)	\$67,206	\$1,598	\$9,136	\$25,132	\$27,796	\$63,662		\$63,662	\$300			\$10,800		\$10,800					\$63,662		
9	N/A	Program	Annual Pavement Preservation Program (See Current Project List Below)	\$46,511	\$5,051	\$2,376	\$2,102	\$8,907	\$19,036		\$19,036	\$6,490			\$6,490		\$6,490					\$19,036		
10	N/A	Program	Sidewalk/Walkway Program (See Current Project List Below)	\$21,248	\$3,245	\$2,813	\$1,452	\$2,300	\$9,810		\$9,810	\$5,886			\$9,810		\$9,810					\$9,810		
11	N/A	Program	Safety Upgrade and Replacement Program	\$931	\$80	\$80	\$80	\$240	\$480		\$480	\$480			\$480		\$480					\$480		
12	N/A	Program	Bridge Inspection, Maintenance, Repair & Rehabilitation Program	\$2,348	\$133	\$139	\$143	\$465	\$880		\$880	\$880			\$880		\$880					\$880		
13	N/A	Program	Neighborhood Traffic Calming Program	\$926	\$75	\$75	\$75	\$225	\$450		\$450	\$450			\$450		\$450					\$450		
14	N/A	Program	Bicycle Program	\$5,110	\$500	\$500	\$500	\$1,500	\$3,000		\$3,000	\$1,800			\$1,800		\$1,800					\$3,000		
15	N/A	Program	Collector Corridor Safety Program	\$879	\$85	\$85	\$85	\$255	\$510		\$510	\$510			\$510		\$510					\$510		
16	N/A	Planning	Comprehensive Plan - Transportation Element	\$1,300	\$200	\$50	\$50	\$200	\$500		\$500	\$500			\$500		\$500					\$500		
17	N/A	Program	Clyde Child Pedestrian School and Park Zone Safety Program	\$191	\$20	\$20	\$20	\$60	\$120		\$120	\$120			\$120		\$120					\$120		
18	T86	Sidewalk	102nd Ave NE Downtown Access Improvements	\$2,019	\$644				\$644		\$644	\$294			\$644		\$644					\$644		
19	N/A	Program	Crosswalk Program (See Current Project List Below)	\$926	\$227	\$227	\$13	\$13	\$480		\$480	\$480			\$480		\$480					\$480		
20	T9	Condition	102 Ave NE Bridge Replacement	\$35,904					\$35,554		\$35,554	\$2,000			\$12,906		\$12,906					\$35,554		
21	T91	Capacity	Mulvey Boulevard & Crossroad Street Light Reorientation	\$152	\$152				\$152		\$152	\$152			\$152		\$152					\$152		
22	T78	Condition	Bothell Way NE Stream Rockery Repair (North of NE 100th St)	\$189	\$6	\$22			\$28		\$28	\$28			\$28		\$28					\$28		
23	T79	Condition	Bothell-Everett Hwy Interim Rechannelization	\$120	\$120				\$120		\$120	\$120			\$120		\$120					\$120		
24	T54	Capacity	SR 522 Stage 3 Improvements	\$32,866	\$15	\$35	\$15	\$35	\$100		\$100	\$100			\$100		\$100					\$100		
25	T92	Capacity	240th St SE / 39th Ave SE Intersection Improvements	\$5,641	\$692	\$779	\$470	\$25	\$5,541		\$5,541	\$1,541			\$1,541		\$1,541					\$5,541		
26	T97	Condition	North Creek FEMA Repairs	\$2,098	\$1,311	\$24	\$25	\$85	\$1,445		\$1,445	\$298			\$1,445		\$1,445					\$1,445		
27	T101	Condition	NE 168th St Utility and Roadway Improvements	\$8,611	\$3,978	\$378	\$24	\$25	\$3,978		\$3,978	\$1,417			\$2,861		\$2,861					\$3,978		
28	T102	Condition	Main and Festival St Improvements	\$2,333	\$1,949				\$1,949		\$1,949	\$1,949			\$1,949		\$1,949					\$1,949		
29	T106	Limited Program	Canyon Park Transportation Demand Management (TDM)	\$880	\$250	\$225	\$200	\$100	\$775		\$775	\$143			\$115		\$115					\$775		
30	T107	Sidewalk	Downtown Sound Transit Access - 104th Ave NE	\$432	\$232	\$150			\$382		\$382	\$382			\$382		\$382					\$382		
31	T108	Trail/Sidewalk	East Riverside Drive Trail (102nd Ave NE to East City Limits)	\$8,400	\$75	\$750	\$750	\$6,750	\$8,325		\$8,325	\$2,325			\$2,325		\$2,325					\$8,325		
32	T109	Capacity	8th Ave SE Multimodal Improvements (228th St SE to SR 524)	\$31,500				\$8,200	\$8,200		\$8,200	\$8,200			\$8,200		\$8,200					\$8,200		
33	T110	Capacity	35th Ave SE Multimodal Improvements (240th St SE to 228th St SE)	\$23,000				\$6,200	\$6,200		\$6,200	\$6,200			\$6,200		\$6,200					\$6,200		
34	T111	Safety/Capacity	Blue Box on 104th Ave NE at NE 168th St	\$62	\$43				\$43		\$43						\$43					\$43		
TOTAL (\$)				\$342,398	\$24,527	\$29,421	\$34,884	\$113,041	\$201,750	\$103	\$201,853	\$26,673	\$3	\$38,025	\$100	\$11,141	\$200	\$125,711	\$0			\$201,853		

Annual Pavement Preservation Program Projects - These project costs are included in the Annual Pavement Program (TIP #9)

9A	T89	Condition	228th St SW Pavement Preservation (2nd Ave SE to 9th Ave SE)	\$2,048	\$800						\$800		\$800	\$465										\$800
9B	T90	Condition	NE 168th St Pavement Preservation	\$2,316	\$2,022						\$2,022		\$2,022	\$560										\$2,022
9C	T93	Condition	228th St SW Pavement Preservation (8th Ave W to 2nd Ave SE)	\$2,243			\$391	\$1,852			\$2,243		\$2,243	\$592			\$492							\$2,243
9D	T94	Condition	Bothell-Everett Highway Pavement Preservation (240th St SE to 1405 Limits)	\$3,748	\$1,544						\$1,544		\$1,544	\$43			\$43							\$1,544
9E	T96	Condition	NE 168th Street Overlay Project	\$1,215	\$1,166						\$1,166		\$1,166	\$541			\$541							\$1,166
9F	T98	Condition	Juanita-Woodville NE Overlay (NE 168th St to 121st Ave NE)	\$1,601			\$250	\$1,351			\$1,601		\$1,601	\$501			\$501							\$1,601
9G	T99	Condition	East Riverside Dr Overlay (1405 to 111th Ave NE)	\$1,360			\$250	\$1,110			\$1,360		\$1,360	\$310			\$310							\$1,360
9H	T100	Condition	240th St SE Overlay (4th Ave to Bothell Way NE)	\$1,070	\$139	\$931					\$1,070		\$1,070	\$370			\$370							\$1,070
TOTAL (\$)				\$15,601	\$5,671	\$931	\$891	\$4,313			\$11,006	\$0	\$11,806	\$3,329	\$0	\$1,886	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$11,806

Sidewalk/Walkway Program Projects - These project costs are included in the Sidewalk/Walkway Program (TIP #10)

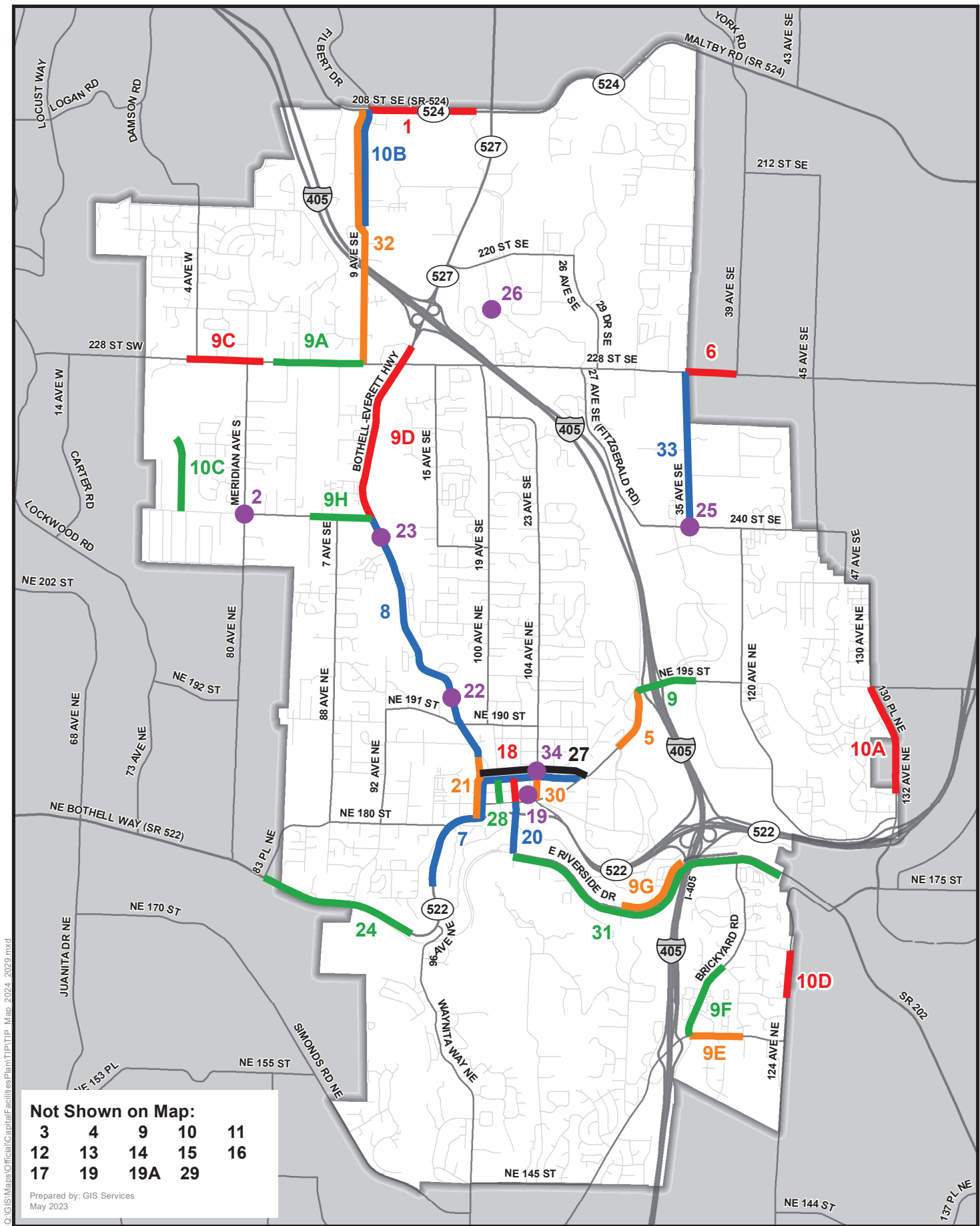
10A	T64	Sidewalk	130th Place NE and 132nd Ave NE Sidewalk Improvements	\$2,437	\$1,223	\$1,014					\$2,237		\$2,237	\$531										\$2,237
10B	T103	Sidewalk	224th St SW Sidewalk Improvements	\$1,203	\$194	\$502	\$457				\$1,153		\$1,153	\$251										\$1,153
10C	T104	Sidewalk	5th Ave W (240th St SW to Shelton View Elementary School) Sidewalk Improvements	\$1,741	\$185	\$804	\$502				\$1,491		\$1,491	\$185										\$1,491
10D	T105	Sidewalk	14th Ave NE (NE 164th St to NE 168th St) Sidewalk Improvements	\$2,700	\$2,700	\$350	\$2,000				\$2,700		\$2,700	\$2,700			\$2,700							\$2,700
TOTAL (\$)				\$6,081	\$1,602	\$2,670	\$1,309	\$2,000			\$7,881	\$0	\$7,581	\$3,667	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$7,581

Crosswalk Program Projects - These project costs are included in the Crosswalk Program (TIP #11)

19A	T95	Crosswalk	Rectangular Rapid Flashing Beacon at School Crossings	\$525	\$465	\$0	\$0	\$0			\$465	\$0	\$465	\$61	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$465
TOTAL (\$)				\$525	\$465	\$0	\$0	\$0			\$465	\$0	\$465	\$61	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$465

Prepared by: Denotes Transportation Impact Fee Projects





Not Shown on Map:

3	4	9	10	11
12	13	14	15	16
17	19	19A	29	

Prepared by: GIS Services
May 2023

Six-Year Transportation Improvement Program (TIP)

Project Descriptions

TIP #1: North Creek Trail – Section 4 (from N Terminus of North Creek Trail: Section 3 to Filbert Dr)

Project Type: Trail/Sidewalk

Description: North Creek Trail is a seven-mile regional, multi-use trail connecting the Burke-Gilman/Sammamish River Trail in King County and the Interurban Trail at McCollum Park in Snohomish County. This project will complete the missing link between the proposed Snohomish County portion of the trail and the existing Bothell portion of the trail. This trail will consist of a separated 10' wide multi-purpose paved path and will connect to the planned Snohomish County North Creek Trail north of the SR 524 and the North Creek Trail Section 3 in Bothell. This project may consist of an elevated boardwalk structure over the wetland areas. This project will be constructed in 3 phases – Phase 1 (Filbert Road to east side of Centennial Park entrance), Phase 2 (Centennial Park entrance to east side of North Creek bridge), and Phase 3 (east side of North Creek bridge to NCT3).

TIP #2: Meridian Avenue S and 240th Street SE Roundabout

Project Type: Safety/Capacity

Description: This project will construct a roundabout at the intersection of 240 Street SE and Meridian Ave S. In addition, sidewalks, crosswalks, Americans with Disabilities Act (ADA) ramps, drainage, and illumination will be installed.

TIP #3: Adaptive Signal Control System: Phase 1

Project Type: Capacity

Description: Installation of an adaptive signal control system in nine (9) of the City's traffic signals including Bothell-Everett Highway with the I-405 northbound and southbound ramps, SR 524, 211 St SE, 214th St SE, 220th St SE, and 228th St SE. The project also includes the 228th Street SE intersections with 9th Ave SE, 10th Ave SE, 15th Ave SE, and 19th Ave SE. This project would be in coordination with Snohomish County, Everett, and WSDOT covering a total of 47 traffic signal-controlled intersections. Snohomish County is leading this project.

TIP #4: Adaptive Signal Control System: Phase 2

Project Type: Capacity

Description: This is the second phase of the project that will install adaptive signal control systems in City traffic signals to improve traffic circulation and reduce delay. This project will install the systems in fourteen (14) Bothell intersections along Bothell Way at 240th St SE, 242nd St SE, NE 191st St, Reder Way, NE 185th St, NE 183rd St, Main St, and SR 522. The project also includes the intersection of 240th St SE with 7th Ave SE, and SR 522 with 96th Ave NE, NE 180th St, 98th Ave NE, Kaysner Way, and Campus Way S. A regional federal grant application has been awarded and Snohomish County will be the project lead. Mill Creek, Lynnwood, Mountlake Terrace, and WSDOT are other partners.

TIP #5: Beardslee Boulevard Widening (Campus to I-405)

Project Type: Capacity

Description: This project provides an additional eastbound lane along Beardslee Boulevard from 110th Avenue NE (the entrance to the UWB/CCC Campus) to I-405. The project will include roadway widening, concrete curb and gutter, bike lane, signal modifications, trail relocation, street illumination, retaining walls, and wetland mitigation.

TIP #6: 228th St SE Widening (35th Ave SE to 39th Ave SE)

Project Type: Capacity

Description: This project will improve 228th St SE between 35th St SE and 39th Ave SE for approximately 1500 feet in length with an additional 300 feet of 228th St SE west of 35th St SE. Work will include widening 228th St SE from 3 lanes to 4 lanes, and improving intersections at 35th Ave and 39th Ave SE. The project will include roadway widening, signal modifications, storm water improvements, concrete curbs, gutters, sidewalks, bike/pedestrian facilities, street lighting, landscaping and wetland mitigation.

TIP #7: Sound Transit – Bus Rapid Transit S3 (Bothell Segment)

Project Type: Capacity

Description: This project will provide transit operation improvements along SR 522, 98th Ave NE, NE 185th Street, and Beardslee Boulevard. Work will primarily include channelization and intersection improvements along the transit corridor. Intersection improvements include possible signalization, traffic control, and added turn lanes. Transit stations are anticipated to be installed near the King County Library, at 104th Ave NE, and near the UW Bothell's Husky Village on Beardslee Boulevard. This project will be completed by Sound Transit.

TIP #8: Bothell Way Multimodal Improvements (Reder Way to 240th Street SE)

Project Type: Capacity

Description: This project will widen Bothell Way NE from Reder Way to 240th Street NE from 2 lanes to 4 or 5 lanes: 2 through-lanes in each direction, a two-way left turn where needed, intersection improvements, protected bicycle lanes, landscaping strips, and sidewalks. The work includes street lighting, retaining walls, removing and replacing fish barrier culverts, storm drain system improvements, and wetland mitigation. The project is anticipated to be divided into 3 segments: King County Phase 1 and 3, and Snohomish County Phase 2. The King County Phase 1 and Snohomish County Phase 2 segments will construct about 1/3 of the project at each end. The King County Phase 3 will construct the remaining middle third section. This is a key project to prepare the corridor for a future Community Transit Swift bus rapid transit route extension.

TIP #9: Annual Pavement Preservation Program

Project Type: Program

Description: This program analyzes and rates pavement condition throughout the City using a Pavement Management System and extends roadway life using various treatment methods such as crack sealing, slurry sealing, chip sealing, and asphalt overlays. City funds are augmented with grant funding when available.

TIP #9A: 228th Street SW Pavement Preservation (2nd Ave SE to 9th Ave SE)

Project Type: Condition

Description: This project will overlay 228th St SE from 2nd Ave SE to 9th Ave SE. The project consists of milling, pavement overlay and striping work for general purpose lanes, turn lanes, shared use shoulders; and reconstructing curb ramps to meet ADA requirements.

TIP #9B: NE 195th Street Pavement Preservation

Project Type: Condition

Description: This project will overlay NE 195 ST/Beardslee Blvd from 112th Ave NE to North Creek Pkwy, including the legs off the North Creek Pkwy intersection. Included are general purpose lanes, bicycle lanes, turn lanes, and ADA required modifications to curb ramps.

TIP #9C: 228th St SW Pavement Preservation (5th Ave W to 2nd Ave SE)

Project Type: Condition

Description: This project will overlay 228th St SW from 5th Ave W to 2nd Ave SE. The project consists of milling, spot repairs, pavement overlay, and striping work for each segment of the roadway.

TIP #9D: Bothell-Everett Highway Pavement Preservation (240th St SE to I-405 Limits)

Project Type: Condition

Description: This project will overlay Bothell-Everett Hwy from 240th St SE to the I-405 limited access area. The project consists of milling, spot repairs, pavement overlay and striping work for each segment of the roadway.

TIP #9E: NE 160th Street Overlay Project

Project Type: Condition

Description: This project includes overlay of the existing pavement of NE 160th Street (from 116th Ave NE to 121st Ave NE). The project consists of milling, spot repairs, pavement overlay, and striping work for each segment of the roadway, excluding the bridge deck over I-405.

TIP #9F: Juanita-Woodinville Way NE Overlay Project (NE 160th St to 121st Ave NE)

Project Type: Condition

Description: This project will overlay Juanita-Woodinville Way NE from NE 160th St to 121 Ave NE. The project consists of grinding, spot repairs, pavement overlay and striping work. Non-motorized improvements will include re-striping existing bike lanes (both directions) and upgrading pedestrian crossings (including associated curb ramps and pushbuttons) within the project limits.

TIP #9G: East Riverside Drive Overlay Project (I-405 to 111th Ave NE)

Project Type: Condition

Description: This project will overlay East Riverside Drive from I-405 to 111th Ave NE. The project consists of milling, spot repairs, pavement overlay and striping work for each segment of the roadway.

TIP #9H: 240th Street SE Overlay Project (4th Ave to Bothell Way NE)

Project Type: Condition

Description: This project will overlay 240th St SE from 4th Ave to Bothell Way NE. The project consists of milling, spot repairs, pavement overlay and striping work for each segment of the roadway

TIP #10: Sidewalk/Walkway Program

Project Type: Program

Description: This program addresses missing links in the City's pedestrian network, Americans with Disabilities Act (ADA) needs, and pedestrian crossings. Sidewalk needs are inventoried and prioritized using a methodology that accounts for proximity to schools, public services, and low-income housing; missing sidewalk and curb ramps; street classification; collision data; and citizen requests. The program is supplemented with Safe Streets and Sidewalks funding. A Safe School Walk Routes Taskforce created a prioritized project list of sidewalk gaps to fill.

TIP #10A: 130th Place NE and 132nd Avenue NE Sidewalk Improvements

Project Type: Sidewalk

Description: The Proposed improvements consist of concrete sidewalk, planting strip buffer, curb and gutter, storm drainage, ADA curb ramps and crosswalks on the west side of 132nd Ave NE and 130th Pl NE between NE 184th Pl and NE 195th St in the City of Bothell and the City of Woodinville. This may be a joint project with the City of Woodinville.

TIP #10B: 224th Street SW Sidewalk Improvements

Project Type: Sidewalk

Description: The Proposed improvements consist of concrete sidewalk, curb and gutter, storm drainage, ADA curb ramps, and crosswalks on the north side of 224th St SW between Meridian Ave S and the entrance of the Frank Love Elementary.

TIP #10C: 5th Ave SE Sidewalk Improvements (240th St SW to Shelton View Elementary School)

Project Type: Sidewalk

Description: The Proposed improvements consist of concrete sidewalk, curb and gutter, storm drainage, ADA curb ramps along east side of the 5th Ave W. Two crosswalks at the intersection of the 5th Ave W and 240th St SW will also be constructed.

TIP #10D: 124th Ave NE Sidewalk Improvements (NE 164th St to NE 169th St)

Project Type: Sidewalk

Description: The Proposed improvements consist of concrete sidewalk, planting strip buffer, curb and gutter, storm drainage, ADA curb ramps and crosswalks along the west side of 124th Ave NE between NE 164th St and NE 169th St.

TIP #11: Safety Upgrade and Replacement Program

Project Type: Program

Description: This project provides funding for safety improvements to the infrastructure. Types of safety upgrade and replacement include guardrails, signage, minor curb replacement, removal of line-of-sight obstructions.

TIP #12: Bridge Inspection, Maintenance, Repair, and Rehabilitation Program

Project Type: Program

Description: This program funds bridge inspection, maintenance, minor repair, and minor rehabilitation work to the City's existing bridges. The program upholds commuter and pedestrian safety as well as essential emergency access. Major bridge rehabilitation, repair or replacement needs that are identified via the inspection program are funded in the City's Capital Facilities Plan (CFP) as specific projects.

TIP #13: Neighborhood Traffic Calming Program

Project Type: Program

Description: This program consists of developing and implementing neighborhood traffic calming projects throughout the City based on the established criteria in the City's adopted Neighborhood Traffic Calming Program (NTCP).

TIP #14: Bicycle Program

Project Type: Program

Description: This program will implement the Bike Plan by providing funds for such things as maintenance, wayfinding, storage, education, and potentially, connectivity of existing bike facilities. It will also provide some matching funds to take advantage of any upcoming grant opportunities in the next two years.

TIP #15: Collector Corridor Traffic Safety Program

Project Type: Program

Description: This program addresses mobility and safety improvement needs along collectors. Many of these corridors are located in the residential areas where the residents experience high-speed traffic in large volumes.

TIP #16: Comprehensive Plan – Transportation Element

Project Type: Planning

Description: The City's last major Comprehensive Plan update was eight years ago. The next update will be an extremely large, complex one for the Transportation Element. It will address multimodal level of service, climate change, safety, and resiliency. In intermediate years, amendments are made to the plan to address changing conditions, issues, and needs. Often, these amendments affect the City's transportation system and analyses must be completed to determine their effects. This line item provides resources to support this on-going planning process.

TIP #17: Citywide Child Pedestrian School and Park Zone Safety Program

Project Type: Program

Description: This program addresses child pedestrian safety needs specifically related to schools and parks. Projects associated with this program include, but are not limited to, street crossings, sidewalk gap fill-ins, and installation of signs.

TIP #18: 102nd Avenue NE Downtown Access Improvements

Project Type: Sidewalk

Description: This project will replace existing damaged sidewalks in the north-south direction between NE 185th Street and the King County Park and Ride along 102nd Ave NE in order to connect transit users with the downtown businesses. The work will consist of reconstructing sidewalks, curb ramps, tree wells, and installing lighting to provide safe and accessible routes that meet ADA requirements to and from multimodal corridors.

TIP #19: Crosswalk Program

Project Type: Program

Description: This program addresses pedestrian crossings. Crosswalk needs are inventoried and prioritized using a methodology that accounts for proximity to schools, public services, and low-income housing, street classification, collision data, and citizen requests.

TIP #19A: Rectangular Rapid Flashing Beacons at School Crossings

Project Type: Safety

Description: This project consists of installation of Rectangular Rapid Flashing Beacons (RRFB) at four school crossing locations. The scope of work also includes construction of American with Disabilities Act (ADA) ramps, curb work, and necessary pedestrian landing and related work at the crosswalks, signs, and installation of three sets of RRFB at 9th Ave SE/226th St SE, 104th Ave NE/NE 200th St, 19th Ave SE/242nd St SE, and 112th Ave NE approximately 200 feet west of Beardslee Boulevard.

TIP #20: 102nd Ave NE Bridge Replacement

Project Type: Condition

Description: This project will replace the existing 102nd Avenue NE Bridge, and reconstruct the roadway approaches.

TIP #21: Multiway Boulevard and Crossroad Street Light Reorientation

Project Type: Economic/Capacity

Description: This project reorients the LED street lights to the proper orientation.

TIP #22: Bothell Way NE Stream Rockery Repair

Project Type: Condition

Description: This project repaired a small portion of a rockery along Horse Creek, just north of 19213 Bothell Way NE, that had failed. Remaining work includes monitoring, maintaining and watering of the adjacent mitigation planting area through 2025 per Washington Department of Fish and Wildlife HPA requirements.

TIP #23: Bothell-Everett Highway Interim Rechannelization

Project Type: Condition

Description: This project will shift the Bothell-Everett Highway (BEH) north of 242nd St SE to the west by approximately one lane's width to remove traffic loading from the edge of the slope. The median will be eliminated and the lanes restriped. This is an interim improvement until such time that a permanent solution can be funded. The permanent solution is anticipated to be completed with the Bothell Way NE Widening project.

TIP #24: SR 522, Stage 3 Improvements

Project Type: Capacity

Description: The project is a continuation of the SR 522 Stage 1 and 2 improvements. It provided road improvements and business access and transit (BAT) lanes from the end of the Stage 1 and 2 improvements at 96th Ave NE to 83rd Place NE (the western city limits). Key elements include: Widening of general purpose lanes; adding BAT lanes in each direction (including the missing eastbound direction of the BAT lane from 91st Avenue NE to approximately 800 feet west of the 96th Avenue NE intersection); access management; center medians; interconnection of signals; sidewalk (north side only with the existing Sammamish River/Burke Gilman Trail on the south side); curb and gutters; retaining walls; street illumination; drainage improvements; landscaping; and utility undergrounding. The total project length is approximately 4,000 linear feet. Monitoring and maintenance work for affected wetlands will continue through 2027.

TIP #25: 240th St SE/35th Ave SE Intersection Improvements

Project Type: Capacity

Description: This project will improve the 35th Ave SE 240th St SE intersection that serves as the north entrance to the Monte Villa Business Park. The project will install a traffic signal with required turn lanes or a roundabout. Installation would include necessary storm water improvements, concrete curbs, gutters, sidewalks, bike/pedestrian facilities, street lighting, and landscaping. There is sufficient funding for early design only.

TIP #26: North Creek FEMA Repairs

Project Type: Condition

Description: This project will repair the shared use path where storm flooding caused damage to the stream bank, undermining the trail.

TIP #27: NE 185th St Utility and Roadway Improvements

Project Type: Condition

Description: The Project, on NE 185th Street from Bothell Way to Beardslee Boulevard, proposes to replace failing water and sewer mains; evaluate and replace as necessary stormwater mains; and evaluate and rehabilitate failing roadway pavement and subgrade.

TIP #28: Main and Festival Street Improvements

Project Type: Condition

Description: This project will construct bollards or other barriers on downtown City streets for use during City festivals and other outdoor events to protect nonmotorized traffic within the street.

TIP #29: Canyon Park Transportation Demand Management (TDM)

Project Type: Limited Program

Description: The project will create a transportation demand management (TDM) program within the Canyon Park subarea as identified in the adopted Canyon Park Subarea Plan. It will encourage people to use alternative travel modes rather than single occupancy vehicles by providing options such as, carpool/rideshare, walking, biking, and transit. The goal is to minimize growth impacts, encourage a healthier lifestyle, and reduce the impact to the environment.

TIP #30: Downtown Sound Transit Access – 104th Ave NE

Project Type: Sidewalk

Description: Replace driveways and 8 ramps along the west side of 104th Ave NE and Kaysner Way from NE 185th St to SR 522. This will improve pedestrian access to the Sound Transit bus rapid transit (BRT) station that will be located at the NE 185th St / 104th Ave NE intersection.

TIP #31: East Riverside Drive Trail (102nd Ave NE to East City Limits)

Project Type: Trail/Sidewalk

Description: This project would construct a multi-use trail along the north side of East Riverside Drive within the old railroad right-of-way. The trail would extend from just east of 102nd Ave NE to the City's eastern City Limits east of Brickyard Road. It is assumed that the City would not need to purchase right-of-way for the approximately 8,000 linear foot long trail segment since King County owns the old railroad right-of-way. This project will have to be coordinated with King County. The project will be coordinated with existing or new river crossings.

TIP #32: 9th Ave SE Multimodal Improvements (228th St SE to SR 524)

Project Type: Capacity

Description: This project would improve 9th Ave SE from 228th St SE to SR 524 to meet existing collector standards, install protected bicycle facilities, and install sidewalks. The project will improve the existing 2-lane roadway into a 3-lane roadway where necessary, address drainage, safety, and install lighting. The project would install fish passage culverts where necessary. This project will also include improvements at the 228th and SR 524 intersections.

TIP #33: 35th Ave SE Multimodal Improvements (240th St SE to 228th St SE)

Project Type: Capacity

Description: This project will improve 35th Ave SE from 240th St SE to 228th St SE to meet existing minor arterial standards, install protected bicycle facilities, and install sidewalks. The project will improve the current 2-lane roadway into a 3-lane roadway where necessary, address drainage, safety, and install lighting. The project will install fish passage culverts where necessary.

TIP #34: Bike Box on 104th Ave NE at NE 185th Street

Project Type: Safety Capacity

Description: This project installs a bike box on the 104th Ave NE north leg of the intersection with NE 185th St. The project is funded via Sound Transit 3 and will provide better bike access to the 104th Ave NE/NE 185th St eastbound transit station.

Transportation Needs List (2023)

TNL #	Project Type	Project Name	Project Description	Source	Estimated costs (if available)
Transportation					
1	Economic	Main Street Enhancement, Phase 2: 102nd Ave NE to Kaysner Way	Implements improvements to Main Street from just east of 102nd Ave NE to Kaysner Way. The project reworks the entire streetscape within the existing right-of-way.	Previous TIP	\$5,654,000
2	Condition	240th Street Improvements (Fitzgerald Road to 240th St SE Bridge)	Rebuilds the 240th St SE roadway west of the bridge to Fitzgerald Road at a higher elevation to raise it above the 100 year flood elevation.	Previous TIP	\$3,184,000
3	Capacity	SR 522 Corridor, Phase 4: East of 101st	Installs sidewalks, access management, signal prioritization, and non-motorized connections. Improvements to Kaysner Way intersection.	Previous TIP/ Comp Plan/ Congestion List	
4	Condition	Fitzgerald Road Improvements: 240th Street SE to 228th Street SE	Minor roadway widening including curb/gutter and sidewalks along east side of roadway to meet City standards	Previous TIP/ Comp Plan	
5	Safety/Capacity	SR 524 Safety and Access Improvements: SR 527 to 39th Ave SE (Also known as SR 524 Corridor Improvements)	Addresses the safety and access concerns on SR 524 between SR 527 and 39th Ave SE. Access improvements will be limited to roadway widening to provide for left turn pockets and improve sight distances.	Previous TIP/ Congestion List	
6	Condition	Sammamish River Bridge Replacement (BOT-10)	Replaces the existing bridge and make road, bicycle, and pedestrian improvements along Waynita Drive NE and 96th Avenue NE.	Previous TIP	\$8,742,000
7	Condition	108th Ave NE Roadway Rehabilitation	Rebuilds 108th Ave NE/112th Pl NE from approximately E. Riverside Dr to NE 164th St to address slope stability and drainage issues and provide pedestrian and bicycle facilities	Previous TIP	\$29,320,000

Transportation Needs List (2023)

TNL #	Project Type	Project Name	Project Description	Source	Estimated costs (if available)
8	Capacity	Beardslee Boulevard Widening (NE 185th Street to 110th Avenue NE)	Widens to 4 or 5 lanes. Add northbound left turn lane (2 left) from 110th Avenue NE. Re-channelize southbound right turn lane to through/right configuration on Beardslee Boulevard	Previous TIP/ Comp Plan/ Congestion List	\$7,593,000
9	Capacity	240th St SE & 39th Ave SE Intersection Improvements (Traffic signal or roundabout)	Adds signal and eastbound right turn pocket or a roundabout.	Previous TIP/ Comp Plan/ Congestion List	\$1,394,000
10	Sidewalk	101st Ave NE, 103rd Ave NE, and 104th Ave NE - Downtown Access Improvements Phase 2	This project represents Phase 2 of the Downtown access improvements to transit facilities. The improvements will occur along 101st Ave NE, 103rd Ave NE, and 104th Ave NE. (Phase 1 includes 102nd Ave). The project will replace existing damaged sidewalks in the north-south direction between NE 185th and Main Street (and potentially along Kaysner Way) in order to connect transit users with the downtown businesses. The work will consist of reconstructing sidewalks, curb ramps, tree wells; and installing lighting to provide a safe and accessible route meeting ADA requirements to and from multimodal corridors.	Previous TIP	

Transportation Needs List (2023)

TNL #	Project Type	Project Name	Project Description	Source	Estimated costs (if available)
11	Program	Emergency and Spot Improvements Program	This program provides funding for immediate actions to address landslides, erosion, deterioration, vandalism, and spot hazardous locations. The ability to maintain will be a determining factor for selection of improvements. Work on this program deals with emergency situations when work cannot be delayed.	Previous TIP	
12	Program	Concurrency Monitoring and Modeling Program	This program will gather annual traffic counts and compute intersection level of service throughout the City along arterial and collector streets. This work is required to ensure that the City is meeting its concurrency requirements per the comprehensive plan.	Previous TIP	
13	Capacity	112th Ave NE & Juanita-Woodinville Way NE	Adds southbound right turn pocket on Juanita-Woodinville Way	Comp Plan/ Congestion List	\$900,000
14	Capacity	NE 160th St & 124th Ave NE	Adds southbound right turn pocket.	Comp Plan/ Congestion List	\$900,000
15	Capacity	228th Street SE and Fitzgerald Road	Adds eastbound right turn pocket.	Comp Plan/ Congestion List	\$900,000
16	Capacity	228th Street SE and 29th Drive SE	Adds westbound right turn pocket.	Comp Plan/ Congestion List	\$900,000
17	Capacity	228th Street SE and 31st Avenue SE	Adds westbound right turn pocket.	Comp Plan/ Congestion List	\$900,000
18	Capacity	SR 524 and 9th Avenue SE	Add northbound left turn lane (2 left)	Comp Plan/ Congestion List	\$900,000
19	Capacity	Bothell Everett Hwy/228th St SE Intersection Capacity Improvements	No definitive work scope. Planning and alternative analyses need to be completed.	Congestion Project List	

Transportation Needs List (2023)

TNL #	Project Type	Project Name	Project Description	Source	Estimated costs (if available)
20	Capacity	228th St SE Corridor Improvements (Meridian Ave to Fitzgerald Rd)	No definitive work scope. Planning and alternative analyses need to be completed.	Congestion Project List	
21	Capacity	NE 180th St/132nd Ave NE Intersection (SR 522 Interchange)	No definitive work scope. Planning and alternative analyses need to be completed.	Congestion Project List	
22	Capacity	SR 522/96th Ave NE Intersection Improvements (Northbound approach)	No definitive work scope. Planning and alternative analyses need to be completed.	Congestion Project List	
23	Capacity	100th Ave NE/NE 145th Street Intersection Improvements	No definitive work scope. Planning and alternative analyses need to be completed.	Congestion Project List	
24	Trail	North Creek Trail - Canyon Park	Replaces approximately 600 linear feet of a substandard section of the trail located within Canyon Park along 220th Street SE between North Creek and 20th Ave SE.	Previous CFP	\$3,000,000
25	Capacity	Alternate North-South Corridor (Connect 120th Ave NE to 124th Ave NE)	Constructs an overpass across SR 522 to connect 120th Ave NE to 124th Ave NE to create a continuous north-south corridor.	New	
26	Planning	Downtown Circulation Study	Analyzes traffic within the Downtown Core to develop a plan to address congestion. This study will involve alternative analyses and public involvement.	New	\$100,000
27	Bike/Ped	Pedestrian/bicycle bridge over the Sammamish River	Constructs a bridge over the Sammamish River to connect the Brickyard Road area to the Sammamish River Trail.	New	
28	Condition	102nd Ave NE Sidewalk Replacement	Replace 102nd Ave NE sidewalk between East Riverside Drive and 102nd Ave Bridge.	New	

Transportation Needs List (2023)

TNL #	Project Type	Project Name	Project Description	Source	Estimated costs (if available)
29	Planning	Downtown Parking Study: Phase 2	Evaluates the current and future parking situation in Downtown Bothell, sets goals for desired state, and looks further into various policy options for Council consideration. These may include: Changes to parking requirements on new buildings, Additional parking enforcement, Additional public parking facilities. If scope and budget allow, this could also include an evaluation and recommendations on time-limited parking zones and permit parking strategies in the downtown and surrounding area.	New	
30	Capacity	243rd Street SE / NE 203rd Street Connector	This project includes a new street connection between Bothell-Everett Highway and 88 th Avenue NE. The easterly portion of this new street has been constructed in conjunction with the developer of the Safeway property. The new roadway would traverse private properties located in the southerly portion of the Red Barn Village special district within the Country Village/Lake Pleasant/Bothell-Everett Highway Subarea. It is intended that the 243 rd Street SE/NE 203 rd Street Connector be constructed by the private sector in conjunction with the development of those properties through which the street would extend.	New	

Transportation Needs List (2023)

TNL #	Project Type	Project Name	Project Description	Source	Estimated costs (if available)
31	Capacity	20th Avenue NE Extension	This new street extension provides a connection between 214th Street SE in the Canyon Park Business Park to SR-524. The extension will assist the distribution of traffic to minimize impacts to SR-527.	Canyon Park Subarea Plan Update (M-2)	\$20,740,000
32	Capacity	214th Street SE Extension	This new street extension provides a connection between Bothell-Everett Highway at 214th Street SE in the Canyon Park Business Park, to 9th Avenue SE and include improvements to 214th Street SE and 9th Avenue SE intersection.	Canyon Park Subarea Plan Update (M-3)	\$19,192,000
33	Capacity	220th Street SE / 20th Ave SE	Construct new traffic signal and channelization modifications	Canyon Park Subarea Plan Update (O-2)	\$3,000,000
34	Capacity	223rd Street SE / 26th Ave SE	Construct new traffic signal and channelization modifications	Canyon Park Subarea Plan Update (O-2)	\$3,000,000
35	Capacity	220th Street SE / 26th Ave SE	Construct new traffic signal and channelization modifications	Canyon Park Subarea Plan Update (O-2)	\$3,000,000
36	Capacity	220th Street SE / 17th Ave SE	Construct second westbound left turn lane on 220th St SE to 17th Ave SE	Canyon Park Subarea Plan Update (M-5)	\$2,580,000
37	Sidewalk	228th St SE under I-405 Overpass	Construct new sidewalk facilities to close gaps along 228th St SE.	Canyon Park Subarea Plan Update (O-6)	\$2,000,000

Transportation Needs List (2023)

TNL #	Project Type	Project Name	Project Description	Source	Estimated costs (if available)
38	Bicycle	26th Ave SE and 29th Ave SE Rechannelization	Convert travel lanes on this corridor between 228th St SE to 220th St SE to include buffered bike lanes in both directions.	Canyon Park Subarea Plan Update (O-3)	\$150,000
39	Pedestrian/ Safety	SR 527 / I-405 Southbound Ramps	Review and improve pedestrian crossing facilities across the southbound I-405 ramps at SR 527.	Canyon Park Subarea Plan Update (O-7)	\$100,000

Transportation Needs List (2023)

TNL #	Project Type	Project Name	Project Description	Source	Estimated costs (if available)
40	Capacity	SR 527 Widening Design and ROW (SR 524 to 220 th Street SE)	This project improves travel performance along the SR 527 corridor from SR 524 to 220 th St SE for both transit and general-purpose traffic. It accomplishes this by providing 3 travel lanes through all intersections within this corridor segment, inclusive of the SR 524 and 220 th St SE intersections, as well as completing a number of intersection improvements. The intersection improvements include modifying the east leg of the SR 527/SR 524 intersection to include a total of 2 dedicated left turn lanes, 2 westbound through lanes, a dedicated right turn lane, and 2 eastbound receiving lanes; adding a 2 nd southbound left turn lane from SR 527 to eastbound SR 524; adding a 2 nd left turn lane on the west leg of 220 th St SE at the intersection with SR 527; and adding a westbound dedicated right turn lane and 2 nd left turn lane on the east leg of 214 th St SE at the SR 527 intersection. Widening SR 527 and the intersections will likely require moving curbs, planter strips, sidewalks, and lighting.	New	\$25,000,000

Note: Sidewalk, crosswalk, and pavement preservation projects are listed in the inventory lists of their respective programs.



City of Bothell™

City Council
Agenda Bill
AB # 23-087

TO: Mayor Thompson and Members of the Bothell City Council

FROM: Toni Call, Deputy City Manager (Presenter)
Mark Risen, Fire Chief (Presenter)

DATE: June 6, 2023

SUBJECT: Study Session to seek feedback and direction for a workplan to evaluate and recommend Bothell's future fire service model including an option for regionalization.

POLICY CONSIDERATION: Staff seeks feedback and direction to move forward with a work plan to evaluate and recommend Bothell's future fire service model including an option for regionalization.

The fire service fundamental role is to create a safe environment so that the communities it serves can thrive. The Bothell Fire Department has done an outstanding job at safeguarding the lives, property, and environment of our community through exceptional service in education, preparedness, prevention, and response to emergency incidents. As the City considers embarking on a study for a fire service delivery recommendation, ensuring the continued safety of Bothell and meeting the community needs now and in the future as Bothell grows is paramount.

HISTORY:	DATE ACTION	
	DATE	ACTION
	JUNE 11, 2013	City Council Study Session to review staff's fire consolidation report.
	JUNE 18, 2013	City Council directed the City Manager to develop a process that pursues and evaluates the Regional Fire Authority (RFA) Alternative.
	MARCH 19, 2015	ESCI presented the completed RFA feasibility study to Council.
	FEBRUARY 8, 2022	Presentation to City Council on shared fire service options.
	APRIL 26, 2023	Council Public Safety Committee received a presentation on fire regionalization workplan.

Over the last several years, the Council has received information regarding options for the delivery of fire services to the community. While several analyses

were completed, a full holistic look at all options has not been presented for Council review, consideration, and direction.

DISCUSSION: *Background*

The role of the Bothell Fire Department is to provide reliable response to fire, medical and other emergent and non-emergent incidents. The agency also keeps our community safe by ensuring fire code enforcement and preparing the community through public safety education and disaster preparedness. In 2022, the fire department responded to 7,240 calls, of which 77% were medical calls.

As the Puget Sound region has grown, many local jurisdictions in our region continue to consider alternate governance/service models for their communities in alignment with their community values. Consolidation, contracting, or merging to create larger fire delivery agencies can provide greater efficiencies while maintaining or enhancing service levels to the community. Examples of recent discussions include the City of Mercer Island which is currently evaluating options and has requested proposals for the potential regionalization of its fire services. The City of Tukwila contracted services to the Puget Sound Regional Fire Authority effective January 1, 2023. Woodinville Fire and Rescue has contracted with Eastside Fire and Rescue and Northshore Fire Department voted to contract with the Shoreline Fire Department.

Workplan for Feedback/Direction to Proceed

Tonight, staff will outline a proposed workplan to evaluate fire service models to include at a minimum:

- Operations, training and administration for response to fire, emergency medical and other incidents.
- Support structures, such as fleet management, financial management, building maintenance, information technology services, human relations, legal and other services.

If Council supports the continued evaluation, the scope of analysis will include reviewing all options allowable under the Revised Code of Washington (RCW), including:

- Annexation into an existing Fire District;
- Creation of a Regional Fire Authority;
- Contracting for Services;

- Creation of a Fire District having the same boundaries as the City;
- Remaining an independent agency (e.g. Bothell Fire Department); and
- Any other options available under the Revised Code of Washington.

As a foundation of the study, staff suggests the following guideposts to support the work:

- Provide the same or improved level of service to the community. This can be measured by response times, survival rates, and other metrics.
- Seek input as the study evolves to understand the community value of the fire service. This can be done through surveys, website comments, and engagement/feedback loops.
- Respect employees. The City is proud of the dedicated staff in the fire department and support services to the fire department. Ensuring that they remain serving the community through a fire model that provides the greatest support, training, and professional development opportunities is important.
- Any recommended option would be economically sensible, and
- Provide transparency of process for the stakeholders and the community.

As staff returns to Council with updates or decision points, staff will reflect back to these guideposts.

In order to aid in understanding and deciding on a service model, the impacts of each of the options will be researched and analyzed. The analysis will include the following considerations and impacts to the city and the community it serves:

- Taxation/revenues: Does the taxation rates change and if so, how? Does the revenue to the city change, and if so, how?
- Expenditures/cost-of-service: How does the cost-of-service change?
- Public vote and by whom: Does the option require a vote of the public to authorize or implement, and if so, what jurisdiction?
- Local identity/local control: How would the option maintain, reduce, or improve local control or identity?
- Increased or decreased service level: Does the level of service to the community change? If so, is it quantifiable?
- Personnel: How would any option impact the personnel involved with fire service?
- Any impacts to contracting or other contractual obligations: The city currently has contractual obligations through Fire District #10 and

related to buildings and bonds for the fire stations among others, how would the option address or impact these contractual obligations?

- Any other areas as directed by Council or that rise over the course of the work.

Staff will return to Council at milestones throughout the process to update, check in, and establish next steps as needed.

Staff anticipates that if Council directs the continued move forward of this work, staff would engage experts in fire service options and perform most of the objective work over the summer and into the fall with a return to Council Fall/Winter of 2023 for next steps.

This proposal was presented to the Council's Public Safety Committee on April 26 and they supported this discussion with the full Council.

**FISCAL
IMPACTS:**

There is no financial obligation to the City at this time.

ATTACHMENTS:

N/A

**RECOMMENDED
ACTION:**

City Council is asked to provide feedback and direction to move forward with a work plan to evaluate and recommend a service model for Fire Service including an option for regionalization.